

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

In the Matter of)	
)	
Anglers for Christ Ministries, Inc.)	CGB-CC-0005
)	
New Beginning Ministries)	CGB-CC-0007
)	
Petitioners Identified in Appendix A)	CG Docket No. 06-181
)	
Interpretation of Economically Burdensome Standard;)	CG Docket No. 11-175
Amendment of Section 79.1(f) of the Commission’s Rules;)	
Video Programming Accessibility)	

MEMORANDUM OPINION AND ORDER, ORDER, AND NOTICE OF PROPOSED RULEMAKING

Adopted: October 20, 2011

Released: October 20, 2011

Comment Date: [30 days after date of publication in the Federal Register]

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By the Commission:

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I. INTRODUCTION

1. The Federal Communications Commission (“Commission”) has before it an Application for Review¹ of the Consumer and Governmental Affairs Bureau’s (“CGB” or “Bureau”) Order (“*Anglers Order*”) granting closed captioning exemptions to Anglers for Christ Ministries, Inc. (“Anglers”) and New Beginning Ministries (“New Beginning”).² The Application for Review also challenges 296 additional closed captioning exemptions granted by the Bureau, each of which relied on the reasoning contained in the *Anglers Order*. In this Memorandum Opinion and Order (“*MO&O*”), we grant the Application for Review and reverse the two exemptions granted in the *Anglers Order* and the 296 exemptions subsequently granted in reliance on the *Anglers Order*.³ Any petitioner whose petition is subject to dismissal⁴ that wishes to continue receiving an individual exemption from the closed captioning rules must file a new petition, within 90 days from the release date of this *MO&O*, with updated information to support a claim that providing closed captions would be economically burdensome, in accordance with the guidance provided in the instant order⁵ and the definition of this standard in the

¹ See Application for Review of the Bureau Order, CG Docket No. 06-181, CGB-CC-0005 and CGB-CC-0007, filed by Telecommunications for the Deaf and Hard of Hearing (“TDP”), the National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), Hearing Loss Association of America (“HLAA”), the Association of Late Deafened Adults, the American Association of People with Disabilities, and the California Coalition of Agencies Serving the Deaf and Hard of Hearing (collectively “Consumer Organizations”), filed Oct. 12, 2006 (“Application for Review”). Consumer Organizations also filed a Petition for Emergency Stay, requesting that the Commission stay the *Anglers Order* and the related closed captioning exemptions, pending review of the Application for Review. Petition for Emergency Stay, CG Docket No. 06-181, filed Oct. 12, 2006 (“Petition for Stay”). Because we now reverse actions granting the exemptions to Anglers, New Beginning, and the petitioners listed in Appendix A, we now dismiss the Petition for Stay as moot.

² *Anglers for Christ Ministries, Inc., New Beginning Ministries, Video Programming Accessibility, Petitions for Exemption from Closed Captioning Requirements*, CGB-CC-0005 and CGB-CC-0007, Memorandum Opinion and Order, 21 FCC Rcd 10094 (*Anglers Order*) (CGB 2006).

³ Although the Application for Review lists 298 grants in total, Commission records show that a total of 303 exemptions were granted – two in the *Anglers Order* and 301 by subsequent orders. The reason that this *MO&O* reverses 298 (and not 303) exemptions is that there were five exemptions that the Consumer Organizations did not challenge, which became final. These petitions were: (1) CGB-CC-0334, filed Jan. 10, 2006 by Video Inspirations; (2) CGB-CC-0348, filed Dec. 21, 2005 by Holy Trinity House of God; (3) CGB-CC-0349, filed Jan. 9, 2006 by Christ is the Rock, Inc; (4) CGB-CC-0366, filed Dec. 30, 2005 by Frazer Memorial Methodist Church; and (5) CGB-CC-0435, filed Feb. 16, 2006 by Media Group International “Robby Mitchell Ministries.” We do not address these five exemptions in the context of this proceeding. All petitioners whose exemptions are reversed by this *MO&O* are identified in Appendix A, attached hereto.

⁴ All such petitions are listed in Appendix A.

⁵ See ¶¶ 16-29, *infra*.

accompanying *Interim Standard Order*.⁶ In the accompanying *Interim Standard Order*, the Commission interprets on a provisional basis the term “economically burdensome,” as used in section 202 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”), to be synonymous with the term “undue burden” formerly used in section 713(e) of the Communications Act.⁷ In the *Notice of Proposed Rulemaking*, the Commission seeks comment on proposed amendments of the Commission’s rules to make permanent the provisional interpretation of “economically burdensome,” in ruling on individual closed captioning exemption requests in order to conform the Commission’s rules to section 202 of the CVAA.

II. BACKGROUND

A. Closed Captioning Exemptions

2. In 1996, Congress added section 713 to the Act, setting forth requirements for closed captioning of video programming to ensure access by persons with hearing disabilities to television programming,⁸ and directing the Commission to prescribe rules to carry out this mandate.⁹ In 1997, the Commission adopted such rules, establishing implementation schedules for closed captioning that became effective on January 1, 1998.¹⁰ The Commission’s closed captioning rules currently require video programming distributors (“VPDs”)¹¹ to caption 100% of all new, non-exempt English and Spanish language programming.¹²

⁶ See Section III.C., *infra*, which addresses the future treatment of the petitions reversed in this *MO&O*, and Section IV, the *Interim Standard Order*, which addresses the new economically burdensome standard.

⁷ CVAA, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.). See also Amendment to CVAA, Pub. L. 111-265, 124 Stat. 2795 (2010), which makes technical corrections to the CVAA. Both the CVAA and its technical amendments were enacted on October 8, 2010.

⁸ Section 305 of the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (codified at 47 U.S.C. § 613) (“1996 Amendments”).

⁹ 47 U.S.C. §§ 613(b), (c).

¹⁰ 47 C.F.R. § 79.1; see *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, MM Docket No. 95-176, Report and Order, 13 FCC Rcd 3272 (1997) (“*Closed Captioning Report and Order*”), *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, MM Docket No. 95-176, Order on Reconsideration, 13 FCC Rcd 19973 (1998) (“*Closed Captioning Reconsideration Order*”).

¹¹ A “video programming distributor” is defined as (1) any television broadcast station licensed by the Commission; (2) any multichannel video programming distributor (MVPD) as defined in Section 76.1000(e); and (3) 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. 47 C.F.R. § 79.1(a)(2). An “MVPD” is “an entity engaged in the business of making available for purchase, by subscribers or customers, multiple channels of video programming. Such entities include, but are not limited to, a cable operator, a BRS/EBS [Broadband Radio Service, formerly known as the Multipoint Distribution Service (MDS)/Multichannel Multipoint Distribution Service (MMDS) and Educational Broadband Service, formally known as the Instructional Television Fixed Service (ITFS)] provider, a direct broadcast satellite service, a television receive-only satellite program distributor, and a satellite master antenna television system operator, as well as buying groups or agents of all such entities.” 47 C.F.R. § 76.1000(e). See also 47 U.S.C. § 522(13).

¹² 47 C.F.R. § 79.1(b). The effective date of the requirement for all nonexempt, new programming to be captioned was January 1, 2006 for English language programming, and January 1, 2010 for Spanish language programming.

(continued....)

3. Section 713 of the Act allows the Commission to grant two types of exemptions from its captioning mandates: categorical exemptions and individual exemptions. The exemptions at issue in this *MO&O* are individual exemptions, which are considered on a case-by-case basis upon submission of a petition to the Commission.¹³ Section 713(d)(3), as originally enacted, permitted the Commission to grant such individual closed captioning exemptions to a provider,¹⁴ owner, or producer of video programming that petitioned the Commission upon a showing that the closed caption requirements would “result in an undue burden.”¹⁵ Section 713(e) of the Act defines “undue burden” to mean “significant difficulty or expense,”¹⁶ and directs the Commission to consider the following factors in making an undue burden determination: (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.¹⁷ The petitioner also may present for the Commission’s consideration “any other factors the petitioner deems relevant to the Commission’s final determination,” including alternatives that might constitute a reasonable substitute for closed captioning.¹⁸

4. Commission rules require the Commission to place any petition seeking an individual exemption from the closed captioning requirements under section 713(d)(3) of the Act on public notice, after which parties are given an opportunity to provide comments and petitioners are given an opportunity

(Continued from previous page) _____

Id. at §§ 79.1(b)(1)(iv), (b)(3)(iv). For pre-rule language programming (programming that first aired prior to the effective date of the Commission’s closed captioning regulations adopted in 1998), the benchmarks require 75% of all nonexempt English programming to be captioned, and 30% of nonexempt Spanish language programming to be captioned, with the latter to increase to 75% on January 1, 2012. *See* 47 C.F.R. § 79.1(b)(2); *Closed Captioning Report and Order*, 13 FCC Rcd at 3301-02, ¶¶ 61-63; 47 C.F.R. § 79.1(b)(4)(ii).

¹³ 47 U.S.C. § 613(d). The other type of exemptions, categorical exemptions, are permitted under Section 613(d)(1) of the Act. 47 U.S.C. § 613(d)(1) (allowing the Commission to “exempt by regulation programs, classes of programs or services for which the Commission has determined that the provision of closed captioning would be economically burdensome to the provider or owner of such programming”). Pursuant to this authority, in 1997, the Commission created thirteen categorical exemptions. 47 C.F.R. § 79.1(d). The *Anglers Order* referred to these as “self-implementing” exemptions. *Anglers Order*, 21 FCC Rcd at 10095, ¶ 3.

¹⁴ A “video programming provider” is defined as “[a]ny 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 network and the owners of such programming.” 47 C.F.R. § 79.1(a)(3). The House Conference Report to the 1996 Amendments further explained that the term “provider” refers to the “specific television station, cable operator, cable network or other service that provides programming to the public.” H. Rep. No. 104-204, 104th Cong., 1st Sess. (1995) at 183.

¹⁵ 47 U.S.C. § 613(d)(3); 47 C.F.R. § 79.1(f)(1). Any entity in the programming distribution chain, including the producer or owner of the programming, may petition the Commission for an individual exemption under section 79.1(f) of the Commission’s rules. A petitioner may seek an exemption for “a channel of video programming, a category or type of video programming, an individual video service, a specific video program or a video programming provider.”

¹⁶ 47 U.S.C. § 613(e); *see also* 47 C.F.R. §§ 79.1(f)(1), (2).

¹⁷ 47 U.S.C. § 613(e). The Commission’s rules mirror these statutory criteria for making undue burden determinations. 47 C.F.R. § 79.1(f)(2)(i) – (iv).

¹⁸ 47 C.F.R. § 79.1(f)(3).

to reply to those comments.¹⁹ During the pendency of the petition, the programming that is the subject of the petition is exempt from the closed captioning rules.²⁰

5. From 1997, when the Commission first adopted its closed captioning rules, until mid-2005, the Commission received fewer than 75 petitions for undue burden exemptions.²¹ From October 2005 through August 2006, the Commission received approximately 600 such petitions.²² CGB granted two of these petitions in the *Anglers Order*, and during the two weeks that followed, granted an additional 301 petitions in reliance on the reasoning of that *Order*.²³

6. Since issuance of the *Anglers Order* and the grants of exemption that followed, Congress amended section 713(d)(3) to require petitioners for individual closed captioning exemptions to make a supported showing that providing captions would be “economically burdensome.”²⁴

B. *Anglers Order*

7. On October 12, 2005, Anglers filed a petition for an undue burden exemption from the closed captioning rules for its program, *The Christian Angler Outdoors Television Show*.²⁵ Anglers asserted that it was a non-profit organization, and that it began airing this program in January 2005, operating solely on contributions, but without a base of continued contributions.²⁶ According to Anglers, its program was produced in-house by a volunteer staff of Anglers, and was aired without compensation to Anglers. Anglers claimed that requiring closed captioning for its show would create an undue burden because this obligation would “possibly cause [it] to stop production.”²⁷ However, Anglers also stated that it hoped to obtain closed captioning sponsorship, and to be able to provide closed captioning by 2007 for its production.²⁸ CGB placed the Anglers Petition on public notice on February 3, 2006.²⁹ No comments or oppositions were filed in response.

¹⁹ 47 C.F.R. §§ 79.1(f)(5); (6).

²⁰ 47 C.F.R. § 79.1(f)(11). Section 202(c) of the CVAA amends Section 713(d)(3) of the Act include this automatic exemption for programming that is the subject of an individual petition. Pub. L. No. 111-260 §202(c).

²¹ During this period, the Commission’s Media Bureau handled all closed captioning exemption requests that came to the Commission.

²² The increase in filings during this period was a result of the January 1, 2006 effective date for captioning all new non-exempt English language programming. In the four and a half years since *Anglers* was decided, the Commission has received more than 500 additional undue burden exemption petitions, and at least 15 new petitions are filed each month.

²³ CGB assumed the responsibility for deciding closed captioning exemption petitions late in 2005.

²⁴ 47 U.S.C. § 613(d)(3), as amended by CVAA, Pub. L. No. 111-260 § 202(c).

²⁵ *Anglers for Christ Ministries, Inc. Request for Exemption from Commission’s Closed Captioning Rules*, Case No. CGB-CC-0005, filed Oct. 12, 2005 (“Anglers Petition”).

²⁶ *Id.* at 1. See also Letter from Tony Sellars, CEO, Anglers for Christ Ministries, Inc., to Amelia Brown, FCC, Case No. CGB-CC-0005 (Jan. 20, 2006) (“Anglers Supplement”) (describing its show as “a faith-based outdoor show consisting of outdoor segments, along with a segment hosted by kids called *Reel Kids in the Outdoors*”).

²⁷ Anglers Supplement at 1.

²⁸ *Id.* at 1.

²⁹ *Request for Exemption from Commission’s Closed Captioning Rules*, CGB-CC-0005, Public Notice, 21 FCC Rcd 1124 (CGB 2006).

8. On November 1, 2005, New Beginning filed its undue burden petition with the Commission for a 30-minute television program titled *In His Image*, which aired once per week.³⁰ New Beginning alleged that captioning of this show would impose an undue burden *at this time* because its program would have to be sent to an outside source for captioning, and the added production cost would make production unaffordable, resulting in a negative impact on its ability to meet air-date deadlines.³¹ New Beginning also asserted that it was a donor supported, non-profit organization, and that it would have been forced to discontinue its program and cease broadcast operations if it was required to provide closed captions.³² In addition to requesting an undue burden exemption, New Beginning claimed that *In His Image* was a locally produced and distributed non-news program with no repeat value, and thus merited a categorical exemption pursuant to section 79.1(d)(8) of the Commission's rules.³³

9. CGB placed the New Beginning Petition on public notice on December 20, 2005.³⁴ On January 19, 2006, TDI, NAD, DHHCAN and HLAA (collectively referred to as "TDI") filed a Consolidated Opposition to the New Beginning Petition, challenging the petitioner's failure to provide sufficient information to merit an undue burden exemption.³⁵ TDI also stated that New Beginning had failed to establish that *In His Image* qualified for a categorical exemption under section 79.1(d)(8), because it had not proven that its program was "truly local" in nature, as required for this categorical exemption.³⁶ In support, TDI pointed to New Beginning's statement that *In His Image* is shown nationwide on a weekly basis over the Sky Angel network, as well as on CTN in Eastern and Western Florida.³⁷

10. On September 11, 2006, CGB issued the *Anglers Order*, granting permanent exemptions to Anglers and New Beginning.³⁸ The *Anglers Order* stated that both petitioners had demonstrated that an obligation to closed caption their programming would cause "significant hardship," and that there was a "significant risk that mandated closed captioning could cause both organizations to terminate their

³⁰ New Beginning Ministries Request for Exemption from Commission's Closed Captioning, Case No. CGB-CC-0007 (Nov. 1, 2005) ("New Beginning Petition").

³¹ *Id.* at 1 (emphasis added).

³² *Id.* See also *id.*, Attachment, Affidavit of Costs (reporting that the substantial majority of its annual expenses consisted of payments to the Christian Television Network (CTN), *i.e.*, \$750 per week to CTN to air its show, and alleging that it would cost \$300 per episode to provide captioning).

³³ New Beginning Petition at 1.

³⁴ *Request for Exemption from Commission's Closed Captioning Rules*, CGB-CC-0007, Public Notice, 20 FCC Rcd 20126 (CGB 2005).

³⁵ Consolidated Opposition of TDI, NAD, DHHCAN, and HLAA to the Petition for Exemption from Closed Captioning Requirements Filed by New Beginning, Case No. CGB-CC-0007, filed Jan. 19, 2006 ("TDI Opposition"). Specifically, TDI asserted that New Beginning (1) failed to provide documentation to support its assertion that adding closed captioning would increase the per-episode production costs by \$300, or to verify its claims regarding total income and production costs; (2) failed to provide a financial analysis to support its assertion that having to send the program to an outside source for captioning would "make production unaffordable" and require petitioner to "cease broadcast operations"; and (3) failed to provide information about revenue derived from the nationwide satellite and regional cable distribution of *In His Image*. *Id.* at 6-9.

³⁶ *Id.* at 10. 47 C.F.R. § 79.1(d)(8) exempts "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 news room" technique of captioning is unavailable."

³⁷ *Id.* at 8-10.

³⁸ *Anglers Order*, n.1, *supra*.

programming.”³⁹ It went on to state that neither Anglers nor New Beginning was producing its programming primarily for a commercial purpose. The exemptions granted in the *Anglers Order* also relied on the non-profit status of each of the petitioners, as well as the fact that the subject programming was “‘not remunerative in itself,’ insofar as the programming owners either [were] offering it free to providers, or paying for its exhibition.”⁴⁰ The Order concluded that,

in the future, when considering an exemption petition filed by a non-profit organization that does not receive compensation from video programming distributors from the airing of its programming, and that, in the absence of an exemption, may terminate or substantially curtail its programming, or curtail other activities important to its mission, we will be inclined favorably to grant such a petition because, as the petitions of Anglers and New Beginning demonstrate, this confluence of factors strongly suggests that mandated closed captioning would pose an undue burden on such a petitioner.⁴¹

11. Based on the reasoning of the *Anglers Order*, CGB subsequently granted 301 additional individual exemption requests from the closed captioning rules.⁴² Of the 301 requests, 238 were not placed on public notice prior to being granted.⁴³ Petitioners were notified of their exemptions by letters sent by postal mail (“Bureau Letter Orders”), none of which were noticed to the public. The content of each of these Bureau Letter Orders was virtually identical, and each relied on the analysis set forth in the *Anglers Order*.⁴⁴ None of the Bureau Letter Orders addressed the extent to which each individual petitioner demonstrated that captioning would result in an undue burden.⁴⁵ Additionally, although each Bureau Letter Order spelled out the procedures contained in the Commission’s rules governing consideration of undue burden closed captioning petitions, including the requirements for petitions to be placed on public notice and contain detailed facts supported by affidavit, each Order concluded, without further explanation concerning the specific circumstances of each petitioner’s request, that “waiving these requirements in the instant case is consistent with the public interest.”⁴⁶

C. Application for Review

12. On October 12, 2006, the Consumer Organizations filed an Application for Review requesting the Commission to rescind the *Anglers Order* and the hundreds of exemptions that were based on that Order. They assert that the *Anglers Order* unilaterally and without the notice and comment

³⁹ *Anglers Order*, 21 FCC Rcd at 10097, ¶ 9.

⁴⁰ *Anglers Order*, 21 FCC Rcd at 10097, ¶ 10 (inside quotations in original), quoting language from the Commission’s discussion of the need for an exemption for locally produced, non-news programming in the *Closed Captioning Report and Order*, 13 FCC Rcd at 3347, ¶158.

⁴¹ *Anglers Order*, 21 FCC Rcd at 10097, ¶ 11.

⁴² Letters from Thomas E. Chandler, Chief, Disability Rights Office, FCC (dated Sept. 11 through Sept. 22, 2006) (“Bureau Letter Orders”).

⁴³ See Application for Review at 12. According to the Application for Review, only 59 of the petitions granted during this period had been placed on public notice prior to being granted. Application for Review at Appendix A1.

⁴⁴ See, e.g., Letter from Thomas E. Chandler, Disability Rights Office, FCC to First Apostolic Church, CGB-CC-0294 (dated Sept. 11, 2006); Letter from Thomas E. Chandler, Disability Rights Office, FCC to Bull Street Baptist Church, CGB-CC-0257 (dated Sept. 12, 2006); Letter from Thomas E. Chandler, Disability Rights Office, FCC to Fort Worth Bible Students, CGB-CC-0248 (dated Sept. 12, 2006).

⁴⁵ *Id.*

⁴⁶ See Bureau Letter Orders, n. 42, *supra* and examples listed at n. 44, *supra*.

required by the Administrative Procedure Act, established a new category of exempt programming for “non-profit organizations that do not receive compensation from video programming distributors for airing . . . programming and [who] represent that they may terminate or substantially curtail their programming or curtail other activities important to their mission if they are required to caption.”⁴⁷ According to the Consumer Organizations, this standard is “unclear and unworkable” and creates an exempted class of programmers that is “impermissibly broad” in that it covers programmers who might in the future be able to provide captioning.⁴⁸ They also claim that it is “unclear how the Commission [will] determine what activities are ‘important’ to a petitioner’s mission.”⁴⁹ Finally, the Consumer Organizations argue that the *Anglers* and *New Beginning* petitions should not have been granted on a permanent basis, because each had requested time-limited waivers.⁵⁰

13. With respect to the hundreds of exemptions that relied on the *Anglers Order*, the Consumer Organizations assert that failure to place most of the petitions on public notice deprived interested persons of an opportunity to comment on or oppose the petitions.⁵¹ They further allege that the individual merits of each petition should have been considered,⁵² and that in many cases, petitioners had failed to produce evidence to support their claims of undue burden.⁵³ They argue against the permanent exemptions granted, instead maintaining that temporary waivers “might have been more appropriate to the scenarios presented.”⁵⁴ Finally, the Consumer Organizations argue that the failure of the *Anglers Order* to follow Commission precedent directing programmers to seek assistance from their distributors was arbitrary and capricious.⁵⁵

⁴⁷ Application for Review at 2-3, 9-10 (alleging a violation of section 553 of the Administrative Procedure Act, 5 U.S.C. § 553). The Consumer Organizations also allege a violation of section 713(d)(1) of the Act, 47 U.S.C. § 613(d)(1), which requires the Commission to adopt categorical exemptions by regulation. Application for Review at 2-3, 10.

⁴⁸ Application for Review at 3, 19. For this reason, Consumer Organizations suggest that the new standard “threatens to allow a huge and totally unwarranted number of exemptions.” *Id.* at 5. *See also* Reply to Opposition of Application for Review of Bureau Order, CG 06-181, filed Nov. 9, 2006 at 3, in which the Consumer Organizations also express concern that non-profit organizations that already caption might now be inclined to request exemptions, under the newly adopted theory that continuing to caption would “curtail other activities important to their mission.” NRB filed a “*Response to Reply of Opposition of Application for Review of Bureau Order, or, in the Alternative, Request for Permission to File a Late Document*” on November 21, 2006, which only addressed the contention of the Consumer Organizations that the *NRB Opposition* had not been timely filed.

⁴⁹ *Id.* at 18-19. In this regard, the Consumer Organizations also state that the Commission failed to advise programmers on the evidence that would be needed to meet the new criteria when filing future exemption requests.

⁵⁰ *Id.* at 10.

⁵¹ *Id.* at 3, 11-14, citing 47 C.F.R. § 79.1(f)(5),(6).

⁵² *Id.* at 14.

⁵³ *Id.* at 4, 14.

⁵⁴ *Id.* at 19.

⁵⁵ *Id.* at 4, citing a footnote in the *Anglers Order* in which the Bureau departed from the ruling in *The Wild Outdoors, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 5949, Memorandum Opinion and Order, 20 FCC Rcd 11873, 11874, n. 25 (MB 2005) (*Wild Outdoors 2005*). The Consumer Organizations also contend that the Bureau’s action, while neutral on its face, was intended to create a blanket exemption for religious programming from the captioning mandates in violation of the First Amendment’s Establishment Clause. *See* Application for Review at 19, n.58. This *MO&O* does not reach these constitutional issues because, as discussed below, we grant the Application for Review on other grounds.

14. In an Opposition to the Application for Review, the National Religious Broadcasters (“NRB”) argues that, rather than create a new class of exempt programming, the *Anglers Order* clarified “the meaning of ‘undue burden’ in a manner that is consistent with the expressed intent of Congress that non-profit organizations be considered for exemption, and that the detrimental impact of closed captioning costs be weighed in terms of [the] resultant potential for decrease in programming or diminution of mission-important activities.”⁵⁶

15. In November 2006, CGB placed 494 petitions for individual captioning exemptions on public notice.⁵⁷ At the same time, CGB held all of the exemptions at issue in the Application for Review in abeyance until the comment cycle on these petitions had ended.⁵⁸ On March 26, 2007, the Consumer Organizations submitted oppositions to nearly all of these posted petitions.

III. MEMORANDUM OPINION AND ORDER

16. We grant the relief sought in the Application for Review to the extent discussed below, and reverse exemptions granted to Anglers and New Beginning in the *Anglers Order*. We conclude that the reasoning used in that *Order* for evaluating requests for exemption from the closed captioning rules on the basis of undue burden under section 713(d)(3) is not supported by the Act, its legislative history, or the Commission’s implementing regulations and Orders. Accordingly, the Commission rejects the undue burden criteria used in *Anglers*, and affirms instead the undue burden analyses previously applied to decisions that predate the *Anglers Order*. In addition, we reverse the 296 exemptions that were based on the rationale in the *Anglers Order*.⁵⁹ Each of the petitioners affected by this *MO&O* shall be provided with a copy of this *MO&O* and notified, by letter sent certified mail, return receipt requested, that it may file a new petition for a closed captioning exemption, consistent with the requirements of the Commission’s rules and the instant order.⁶⁰

⁵⁶ *National Religious Broadcasters Opposition to Application for Review*, filed Oct. 30, 2006, at 3 (“*NRB Opposition*”). See also *id.* at 8.

⁵⁷ See *Consumer and Governmental Affairs Bureau Action Request For Exemption From Commission’s Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 21 FCC Rcd 13142 (CGB 2006) (*November 7, 2006 PN*). This number included the 296 petitions at issue in the Application for Review as well as all other petitions for an undue burden exemption pending before the Commission at that time. See also *Extension of Comment Period on Petitions for Exemption From Commission’s Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 21 FCC Rcd 13487 (CGB 2006) (“*November 21, 2006 PN*”) (extending the deadline for filing comments regarding the Petitions noticed in the *November 7, 2006 PN*).

⁵⁸ *November 21, 2006 PN*.

⁵⁹ The undue burden exemptions that are the subject of this *MO&O* were granted to individual video programming providers that contracted with a VPD for carriage of a particular program, usually for a fee. See, e.g., *St. Mark Baptist Church*, CGB-CC-0041 (requesting an exemption for its program “Light of the World”); *Calvary Chapel, Bangor, ME*, CGB-CC-0031 (requesting an exemption for its program “Godsword”); *Outland Sports, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 5443, Memorandum Opinion and Order, 16 FCC Rcd 13605, 13609, ¶ 12 (MB 2001). To the extent that the subject exemption was for specific programs, the exemption applied to all episodes of those programs exhibited by the petitioner. In those cases where petitions did not identify specific programming, the subject exemption was granted for any and all programming provided by that petitioner. This *MO&O* reverses each exemption with respect to any programming for which it was granted.

⁶⁰ As discussed below, ¶¶ 28-29 *infra*, entities that receive a letter will not automatically continue to be exempt from the Commission’s rules without filing a new exemption request and supplementing the record with current and supported information about their inability to provide closed captioning. See generally 47 C.F.R. §§ 79.1 (f)(2);(3).

A. Reversal of the Exemptions Granted to Anglers and New Beginning

17. For the following reasons, we reverse the exemptions granted to Anglers and New Beginning. First, we conclude that it was not appropriate to grant exemptions in reliance on the non-commercial nature and lack of remunerative value of Angler's and New Beginning's programming. Rather, in conducting the undue burden analysis, all of the petitioners' available resources should have been taken into consideration, not just the resources allocated for the programs for which exemptions were sought. Section 713(e)(3) of the Act provides that one of the factors to be considered in an undue burden exemption determination is the "financial resources of *the provider or program owner*."⁶¹ In the *Closed Captioning Report and Order*, the Commission rejected suggestions by some commenters to consider only the resources available for a specific program in making undue burden exemption determinations, finding that "this approach could unnecessarily limit the availability of captioning and would thus also frustrate Congressional intent," and noting the need to "examine the overall budget and revenues of the individual outlet *and not simply the resources it chooses to devote to a particular program*."⁶² Accordingly, consideration of the petitioners' exemption claims should have taken into account the overall financial resources of the provider or program owner.⁶³

18. Second, the *Anglers Order* should not have placed substantial reliance on Anglers' and New Beginning's non-profit status. While a petitioner's financial resources is one of several factors for determining whether it should be excused from the captioning obligations,⁶⁴ in the *Closed Captioning Report and Order*, the Commission specifically rejected requests by commenters to adopt a categorical exemption for all non-profit entities based solely on their non-profit status.⁶⁵ The Commission chose instead to adopt revenue-based exemption standards that would focus on the economic strength of each

⁶¹ 47 U.S.C. § 613(e)(3) (emphasis added).

⁶² *Closed Captioning Report and Order*, 13 FCC Rcd at 3365-66, ¶ 204 (emphasis added). *See also Outland Sports*, 16 FCC Rcd 13605, 13607, ¶ 6 applying ¶ 204 of the *Closed Captioning Report and Order* (citing "the overall budget and revenues of the individual outlet, and not simply the resources [a petitioner] chooses to devote to a particular program" as relevant to deciding an undue burden petition).

⁶³ In addition, the *Anglers Order* identified three characteristics – the non-remunerative nature of the programming, the failure to produce programming primarily for a commercial purpose, and the non-profit status of the petitioners – as common to programmers who qualify for categorical captioning exemptions for locally produced and distributed non-news programming with no repeat value under section 79.1(d)(8) of the Commission's rules and ITFS licensees under section 79.1(d)(7) of these rules. *Id.* at ¶¶ 10-11. Presumably, this was in part a response to New Beginning's request for an exemption under 47 C.F.R. § 79.1(d)(8). We note, however, that neither the Anglers nor New Beginning programs would qualify for a section 79.1(d)(8) exemption because, among other reasons, this categorical exemption specifically requires that such "locally produced and distributed non-news programming" be produced by *the video programming distributor*, not programmers like these petitioners. Moreover, it is not clear that the programming produced by New Beginning was distributed only locally. Although New Beginning reported in its Petition that *In His Image* was broadcast on CTN, New Beginning Petition at 1, in their Opposition Comments, Consumer Organizations noted that their research indicated that *In His Image* aired nationwide on a weekly basis over the Sky Angel satellite network, and on a weekly basis to a large geographic area within the state of Florida via CTN. *See* ¶ 9, *supra*.

⁶⁴ *See* 47 U.S.C. § 613(e)(3).

⁶⁵ *See Closed Captioning Report and Order*, 13 FCC Rcd at 3349, ¶ 162 ("[P]rofit and nonprofit entities may significantly overlap in the functions they perform, [and] specific programs may individually garner limited audiences or economic support but may be important loss leaders or brand identifiers."); *cf. id.* at 3317-3318, ¶ 95, noting the request of some commenters to exempt all nonprofit program networks from the captioning requirements.

provider,⁶⁶ and noted that this test would require all entities (including those that are non-profit) “to do some captioning; that is, they will be required to caption to the extent that such a requirement is not economically burdensome.”⁶⁷ Such a result, the Commission concluded, would be more equitable, in that it would not favor one type of network or service provider over another.⁶⁸ The decision in the *Anglers Order* to grant Anglers and New Beginning favorable exemption treatment because of their non-profit status was inconsistent with this Commission precedent.

19. Third, we reverse the *Anglers Order* because it created a presumption that future exemptions would be granted to non-profit entities for whom the provision of closed captions would “curtail other activities important to [their] mission.”⁶⁹ Establishing a presumption that would apply to future petitions was contrary to Commission precedent, as established in the *Closed Captioning Report and Order*, wherein the Commission rejected suggestions to rely on specific presumptions when evaluating undue burden exemption petitions.⁷⁰ The Commission explained that such presumptions “might well prevent [the Commission] from examining the effect our closed captioning requirements would have on a specific video programming provider or even a class of programmers.”⁷¹ Unlike the categorical exemptions that are adopted by rulemaking and are of general applicability, the process for determining closed captioning exemptions on the basis of purported undue burden is designed to consider the unique, individual circumstances of each petitioner on a case-by-case basis.⁷²

20. We also reject the *Anglers Order*’s conclusion that the extent to which the provision of captioning would “curtail other activities important to [a petitioner’s] mission” is an appropriate factor in making an undue burden determination. In making determinations under sections 713(d)(3) and (e) of the Act, the Commission’s job is to “balance the need for closed captioned programming against the potential for hindering *the production and distribution of programming*.”⁷³ While the Commission may consider additional factors besides those specifically set forth in section 713(e) of the Act when making a

⁶⁶ Under these standards, no video programming provider is required to spend more than 2 percent of the annual gross revenues received from the channel during the prior calendar year, and no video programming provider with annual gross revenues of less than \$3,000,000 during the prior calendar year is required to spend any money to caption its programming channel (other than complying with requirements to pass through programming already captioned when received). *Closed Captioning Report and Order*, 13 FCC Rcd at 3350, ¶ 164; see 47 C.F.R. §§ 79.1(c), (d) (11)-(12). See also *Closed Captioning Report and Order*, 13 FCC Rcd at 3349, ¶ 163 (these tests would eliminate the need to become engaged in “difficult accounting issues that might . . . be associated with a profitability analysis,” and would “operate[] in a flexible fashion so that as revenues increase the amount of captioning increases.”).

⁶⁷ *Id.* at ¶ 163.

⁶⁸ *Id.*

⁶⁹ See *Anglers Order*, 21 FCC Rcd at 10097, ¶ 11.

⁷⁰ For example, the Commission specifically rejected rebuttable presumptions for this purpose proposed by the Weather Channel, the Game Show Network, and the Association of Public Television Stations. *Closed Captioning Report and Order*, 13 FCC Rcd at 3364-65, ¶ 202; cf. *id.* at ¶198.

⁷¹ *Id.*, 13 FCC Rcd at 3364-65, ¶ 202.

⁷² See *id.*, 13 FCC Rcd at 3314-15 ¶ 90 (“Section 713(d)(3) provides for the Commission to establish a procedure to consider exemptions from our closed captioning rules on a case-by-case basis and to tailor a remedy to fit those circumstances.”). In the *Closed Captioning Report and Order*, the Commission made clear its intention to allow petitioners seeking an exemption under section 713(d)(3) of the Act “sufficient discretion to demonstrate burdens that are unanticipated in the generally applicable rules and [categorical] exemptions.” *Id.*, 13 FCC Rcd at 3364-65, ¶ 202.

⁷³ H. Conf. Rep. No. 104-458 at 183; H. Rep. No. 104-204, 104th Cong., 1st Sess. (1995) at 115.

determination for an individual closed captioning exemption,⁷⁴ legislative guidance and Commission policy make clear that any such additional factors must focus on the impact that captioning will have on the petitioner's programming activities – for example, the extent to which *programming* might not be shown if program owners or providers are required to provide captions – not other activities or missions that are unrelated to that programming.⁷⁵ Accordingly, the *Anglers Order* erred in directing consideration of the extent to which the provision of captioning would have impacted the petitioners' non-programming activities.

21. Moreover, we agree with the Application for Review that consideration of whether the provision of captioning would “curtail other activities important to [a petitioner's] mission” creates an unworkable standard.⁷⁶ Specifically, it is not clear how the Commission can be expected to determine an organization's “mission,” define which non-programming related activities would be important to that mission, or assess the extent to which the importance of ensuring television access through the provision of captioning should be balanced against that mission. For these reasons, this factor is impermissibly vague and inappropriate for closed captioning exemption determinations. In effect, applying such a factor would enable regulated parties to decide whether it is more important to comply with captioning requirements or to use their resources for other non-programming-related purposes.

22. Fourth, we find that neither *Anglers* nor *New Beginning* should have received permanent exemptions. In the *Closed Captioning Report and Order*, the Commission emphasized the need to consider the length of an exemption on a case-by-case basis. In this regard, the Commission recognized that “changes in technology, the economics of captioning, or the financial resources of a video programming provider may affect the justification of an undue burden exemption” over time, and concluded that “it is better to maintain the flexibility to limit the duration of an undue burden exemption if the facts before us indicate that the particular circumstances of the petition warrant a limited exemption.”⁷⁷ Similarly, in the *Closed Captioning Reconsideration Order*, the Commission stated its intention to “consider time limits . . . when evaluating requests for undue burden exemptions on the basis of the information regarding individual circumstances.”⁷⁸

23. Consistent with this approach, prior to the *Anglers Order*, no petitioner had ever received a permanent exemption from the captioning rules. For example, of the approximately 75 undue burden petitions received by the Commission between 1997 and 2005, only three were granted, one for a period

⁷⁴ See 47 C.F.R. § 79.1(f)(3).

⁷⁵ See 47 U.S.C. § 613(e)(1) (a factor to consider is the “nature and cost of the closed captions *for the programming*”) (emphasis added); *Closed Captioning Report and Order*, 13 FCC Rcd at 3363-64, ¶ 199 (reiterating that “[t]he legislative history of section 713(d)(3) instructs the Commission to consider the potential for hindering the production and distribution of *video programming*,” and directing program producers, owners and distributors to abide by this standard in making requests for exemptions) (emphasis added); *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, MM Docket No. 95-176, Notice of Proposed Rulemaking, 12 FCC Rcd 1044, 1082-83, ¶ 90 (1997) (“*Closed Captioning NPRM*”) (“According to the legislative history [underlying section 713(d)(3) of the Act], Congress intended to permit the Commission to balance the need for closed captioned programming *against the possibility of inhibiting the production and distribution of programming and thereby restricting the diversity of programming available to the public.*”) (emphasis added).

⁷⁶ Application for Review at 17.

⁷⁷ *Closed Captioning Report and Order*, 13 FCC Rcd at 3366, ¶ 205.

⁷⁸ *Closed Captioning Reconsideration Order*, 13 FCC Rcd at 20022, ¶ 112 (“prescribing specific durations for such petitions [by rulemaking] partially defeats the purpose for the exemption. While a specific time limit may be appropriate for some cases, a longer or shorter period may be appropriate in others.”)

of three years, and two for a period of one year each.⁷⁹ Determinations of these exemption petitions held fast to the principle that an exemption from the closed captioning obligations “is not designed to perpetually relieve a petitioner of its captioning obligation.”⁸⁰ In the instant case, both of the *Anglers Order* petitioners signaled their intent to revisit their ability to provide captioning at a future point, neither requested a permanent exemption, and neither demonstrated the need for an exemption in perpetuity.⁸¹ Accordingly, we affirm the prior practice of granting exemptions for limited periods of time, and find that here, justification was lacking to grant the petitioners exemptions on a permanent basis.

24. Finally, the *Anglers Order* failed to consider whether petitioners solicited captioning assistance from their video programming distributors.⁸² Although programmers were encouraged to solicit captioning assistance from distributors, the *Order* concluded that they were under no obligation to conduct such a solicitation as a precondition for receiving an undue burden exemption.⁸³ The Commission believes that the solicitation policy is appropriate to an undue burden determination because responsibility for captioning ultimately rests with VPDs.⁸⁴ As noted in the *Anglers Order*, “unsuccessful solicitations may constitute evidence in support of an undue burden petition.”⁸⁵ Accordingly, we affirm earlier Media Bureau precedent that soliciting funds from these responsible entities is necessary to meeting one’s captioning obligations, and that evidence of such solicitation is required before a petitioner may qualify for a captioning exemption.⁸⁶

⁷⁹ See *Outland Sports*, 16 FCC Rcd 13605,13609, ¶ 12 (rather than grant the full exemption requested, the Media Bureau granted a one year exemption and explained, “we believe a partial exemption is appropriate to allow Petitioner relief from the captioning requirements for a limited period during which, if they so choose, they may request a broader exemption on a more complete record.”); *The Wild Outdoors 2001*, 16 FCC Rcd 13611 (1 year); *WDLP Broadcasting Co, LLC, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 6296, Memorandum Opinion and Order, 20 FCC Rcd 13531 (MB 2005) (*WDLP Broadcasting*) (3 years).

⁸⁰ See, e.g., *The Wild Outdoors 2005*, 20 FCC Rcd 11873 at 11874, ¶ 3; See also, *Jim Hanley’s Northeast Outdoors, Inc., Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 5861, Memorandum Opinion and Order, 20 FCC Rcd 10021, 10022, ¶ 3 (MB 2005); *Adventure Bound Outdoors, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 5832, Memorandum Opinion and Order, 20 FCC Rcd 10029, 10030, ¶ 3 (MB 2005); *Awakening Ministries, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 6287, Memorandum Opinion and Order, 20 FCC Rcd 10740, 10741, ¶ 4 (MB 2005).

⁸¹ As noted above, ¶ 7, *supra*, *Anglers’* petition stated that it “hope[d] to obtain closed caption sponsorship within the next fiscal year, which [would] enable [it] to provide this service beginning January 2007.” *Anglers Petition* at 1. Similarly, *New Beginning* stated that “the added cost [of captioning] would be an undue burden on the ministry at this time.” *New Beginning Petition* at 1 (emphasis added).

⁸² See Media Bureau Orders discussed at n. 102 and n.103, *infra*. See also *Anglers*, 21 FCC Rcd at 10097, n. 25 citing *The Wild Outdoors 2005*, 20 FCC Rcd at 11873-74, ¶ 4 (implicit in a showing of a petitioner’s financial resources under section 79.1(f) of the Commission’s rules, is “the extent to which the distributors of [its] programming can be called upon to contribute towards the captioning expense”); *Engel’s Outdoor Experience*, 19 FCC Rcd 6867, 6868, ¶ 3 (relying on *The Wild Outdoors 2005*); *Commonwealth Productions, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 5992, Memorandum Opinion and Order, 19 FCC Rcd 5381, 5382, ¶ 3 (MB 2005).

⁸³ *Anglers Order*, 21 FCC Rcd at 10097, ¶ 9 n.25.

⁸⁴ See 47 C.F.R. §79.1(b)(1).

⁸⁵ *Anglers Order*, 21 FCC Rcd at 10097, ¶ 9 n.25.

⁸⁶ See ¶ 28, *infra*.

B. Reversal of Exemptions that Relied Upon the *Anglers Order*

25. As a substantive matter, each of the exemptions granted in the Bureau Letter Orders and challenged by the Application for Review cannot stand because each relied entirely on the *Anglers Order's* rationale for granting the exemption.⁸⁷ Accordingly, all of these exemptions are reversed because we reverse the *Anglers* and New Beginning exemptions.

26. In addition, we reverse the Bureau Letter Orders because none of the orders analyzed the individual circumstances of the petitioners under the “undue burden” criteria, as required under the Act and the Commission’s rules.⁸⁸ Rather, hundreds of exemptions were granted *en masse* without any indication that such reviews took place. Indeed, a subsequent review of the original petitions show that many did not provide any documented information about the petitioner’s financial resources, or provide any substantiation that the petitioners would be forced to terminate or curtail programming if required to provide closed captions.⁸⁹ In fact, some petitioners appear to have had substantial resources that could have provided sufficient financing to support compliance with the captioning rules.⁹⁰ It would have been appropriate and consistent with prior practice to have dismissed or denied such petitions because of these deficiencies.⁹¹

⁸⁷ In this regard, each Order relied on the confluence of factors stated in paragraph 11 of the *Anglers Order*, See ¶ 11, *supra*; *Anglers Order*, 21 FCC Rcd at 10097, ¶ 11. See also, n.44, *supra*, for examples of Bureau letter Orders.

⁸⁸ 47 U.S.C. §613(e); 47 C.F.R. §§79.1(f)(2), (petition must be “supported by sufficient evidence to demonstrate that compliance with the requirements to closed caption video programming would cause an undue burden”). See also *Closed Captioning Report and Order*, 13 FCC Rcd at 3364; ¶ 200 (same). For example, failure to conduct the required individualized assessments resulted in granting exemptions to at least three petitioners that had previously been notified that their petitions were dismissed, and at least one exemption granted to a for-profit entity, even though a principal justification for granting the exemptions was the non-profit status of the petitioners. See *United Methodist Hour of MS*, CGB-CC-0042 (dismissed June 14, 2006, via PN; received Bureau Letter Order granting exemption Sept. 22, 2006); *Request for Exemption from Commission’s Closed Captioning Rules Dismissed CGB-CC-0042*, Public Notice, 21 FCC Rcd 6587, (CGB 2006); *Second Baptist Church*, CGB-CC-0165 (dismissed April 5, 2006 via letter; received Bureau Letter Order granting exemption Sept. 12, 2006); *Temple Baptist Church*, CGB-CC-0173 (dismissed May 4, 2006 via letter; received Bureau Letter Order granting exemption Sept. 12, 2006); Letter from Thomas E. Chandler, Disability Rights Office, FCC to Lush Productions, LLC, CGB-CC-0426 (dated Sept. 11, 2006) (for-profit entity).

⁸⁹ Prior to *Anglers*, petitions lacking such supporting documentation were rejected. See e.g., *Divine Faith Ministries*, CGB-CC-0206 (rejecting an exemption because petitioner failed to offer any information that compliance with the captioning rules would result in its programs being sent to an outside agency for captioning, which would in turn “add significant production costs, thus, making production unaffordable as well as impact [the petitioner’s] ability to meet air-date deadlines”). See also n.91, *infra*.

⁹⁰ See, e.g., *Diocese of Lake Charles, Louisiana Request for Exemption from the Commission’s Closed Captioning Rules*, CGB-CC-0275 (total assets for 2004 were \$14,475,542, total support and revenue for 2004 was \$7,034,612, and its estimated costs of captioning per program were \$120-\$780); *Geyer Springs First Baptist Church*, CGB-CC 0060 (2006 budget was over \$3.4 million).

⁹¹ Past practice was to routinely deny petitions that were deficient in providing information about their ability, financial or otherwise, to provide captions. See e.g., *Engel’s Outdoor Experience*, 19 FCC Rcd at 6868, ¶ 3 (noting that it was “impossible for the Commission to determine whether Outdoor Experience has sufficient justification supporting an exemption” because the petitioner had failed “to disclose detailed information regarding its finances and assets.” See also *Outland Sports*, 16 FCC Rcd 13605 at 13607, ¶ 7 (“Petitioner . . . does not provide details regarding its financial resources. . . Without additional information on the financial resources of Petitioner, or other possible means of gaining captioning, the impact of implementing closed captioning is difficult to determine.”); *New Life Team*, 20 FCC Rcd 3679 at 3680-81, ¶ 4 (“[A]lthough New Life Team indicates it is ‘not funded or granted in any way by outside sources’ and it ‘depends on support from individual donors from New Life Church’

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27. The Bureau Letter Orders also were procedurally flawed because they waived, without justification, the Commission's public notice requirements for undue burden exemption petitions.⁹² As discussed above,⁹³ the process for determining closed captioning exemptions on the basis of purported undue burden requires notice to the public in order to afford the public an opportunity to comment on whether grant of these petitions was in the public interest.⁹⁴

C. Future Treatment of the Petitions Reversed in this *MO&O*

28. We recognize that because several years have passed since these petitions were first filed, it is likely that many of the petitioners' circumstances have changed and they may no longer need an exemption from the closed captioning requirements.⁹⁵ However, to the extent a petitioner listed in Appendix A wishes to continue receiving an individual captioning exemption under the new economically burdensome standard, it must file a new petition within 90 days of the release date of this *MO&O* with updated evidence, supported by affidavit, demonstrating its inability to provide closed captioning.⁹⁶ Specifically, each petition should contain current documentation in accordance with the original factors outlined in section 713(e) of the Act and 79.1(f) of Commission's rules,⁹⁷ to support a claim that providing closed captions would be economically burdensome (would result in a "significant difficulty or expense") as defined by the following criteria: (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

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without documentation, it is impossible for the Commission to determine whether New Life Team has sufficient justification supporting an exemption from the closed captioning requirements for its television program."); *Vision for Souls Family Worship Center*, CGB-CC-0568 (rejecting petitioner's exemption because petitioner had failed to provide documentary support or affidavit for its claim that it was unable to provide captions because it received less than \$3 million per year in donations, and that it had received quotes of \$300 per half hour of captioning).

⁹² Generally, the Commission's rules may be waived only for good cause shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). None of the Bureau Letter Orders analyzed the individual circumstances of the petitioners to determine whether a public interest waiver of the public notice requirement was warranted.

⁹³ See ¶ 4, *supra*.

⁹⁴ 47 C.F.R. § 79.1(f)(5). Although, as noted above, ¶ 15, *supra*, in November 2006, after the Application for Review was submitted, the Bureau subsequently placed all of the petitions on public notice, its failure to do so prior to granting these exemptions violated the Commission's procedures for handling exemption requests.

⁹⁵ As noted above, see ¶ 4, *supra*, programming that is the subject of an exemption petition remains exempt from the captioning rules while the petition is pending. 47 C.F.R. § 79.1(f)(11).

⁹⁶ 47 C.F.R. § 79.1(f)(9). See e.g., *The Wild Outdoors, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 5444, Memorandum Opinion and Order, 16 FCC Rcd 13611 at 13614, ¶ 12 (MB 2001) ("[W]e advise Petitioners that our rules require a detailed showing for each prong of the undue burden exemption supported by record evidence."). We note that the programming subject to this *MO&O* has remained exempt from the closed captioning requirements since the subject petitions were first filed in 2005 and 2006. In this regard, these petitioners have benefited from their exemptions for a significant period of time. CGB may grant an extension of the 90-day filing deadline to individual petitioners upon a showing of good cause for such extension.

⁹⁷ 47 U.S.C. § 613(e); 47 C.F.R. § 79.1(f).

owner.⁹⁸ In addition, each petitioner may describe other factors that it deems relevant to an exemption determination, as well as any alternatives that could be a reasonable substitute for the closed captioning requirement.⁹⁹ In order to make such a showing, each petitioner must provide documentation of its financial status to demonstrate its inability to afford closed captioning.¹⁰⁰ In addition, petitioners seeking an exemption should verify in their requests that they have obtained information about the costs they would incur to caption their programming,¹⁰¹ and that they have sought closed captioning assistance from their video programming distributors, as well as note the extent to which such assistance has been provided or rejected.¹⁰² Finally, each petitioner must indicate whether it has sought additional sponsorship sources or other sources of revenue for captioning¹⁰³ and show that it does not have the means to provide captioning for its programming.¹⁰⁴ Failure to support an exemption request with adequate explanation and evidence to make these showings will result in dismissal of the request.¹⁰⁵

⁹⁸ 47 U.S.C. § 613(e). In addition to updating the record, given that many of the original petitions may have lacked the information needed by the Commission to make an exemption determination under these criteria, this updated information will facilitate the Commission's task of determining whether an exemption is appropriate for each of the petitioners.

⁹⁹ 47 C.F.R. §79.1(f)(3).

¹⁰⁰ See e.g., *Survivors of Assault Recovery (SOAR), Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 6358, Memorandum Opinion and Order, 20 FCC Rcd 10031 at 10032, ¶ 3 (MB 2005) (discussing the need for the petitioner to provide “detailed information regarding finances and assets, gross or net proceeds, or sponsorships solicited for assisting in captioning,” and concluding that without such documentation from which the petitioner's financial condition could be assessed, it was impossible for the Commission to determine whether an exemption was justified); *New Life Team, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 6294, Memorandum Opinion and Order, 20 FCC Rcd 3679 at 3680, ¶ 4 (MB 2005) (*New Life Team*) (“[W]ithout documentation, it is impossible for the Commission to determine whether New Life Team has sufficient justification supporting an exemption . . .”).

¹⁰¹ See, e.g., *Outland Sports*, 16 FCC Rcd 13605 at 13607, ¶ 7 (noting the importance of demonstrating efforts “to seek information from various sources on the cost of captioning.”); *The Wild Outdoors 2001*, 16 FCC Rcd 13611 at 13614, ¶ 7 (“Without additional information on the financial resources of Petitioners, their efforts to find companies that provide captioning at a reasonable cost, a listing of various prices quoted, or information concerning other possible means of gaining captioning, the impact of implementing closed captioning is difficult to determine.”).

¹⁰² See, e.g., *Engel's Outdoor Experience, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 5882, Memorandum Opinion and Order, 19 FCC Rcd 6867 at 6868, ¶ 3 (MB 2004) (*Engel's Outdoor Experience*) (noting that implicit in the requirement to show a petitioner's financial resources is a showing of the extent to which the distributors of the subject programming “can be called upon to contribute towards the captioning expense.”); *The Wild Outdoors 2005*, 20 FCC Rcd 11873 at 11874, ¶ 4 (noting the same principle). On the other hand, a showing of unsuccessful solicitations may constitute evidence *in support of* an undue burden exemption petition.

¹⁰³ See e.g., *Yellow House Entertainment, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 5957, Memorandum Opinion and Order, 19 FCC Rcd 11254 at 11255, ¶ 3 (MB 2004) (noting that the petitioner had failed to indicate whether it had “sought out additional sponsorship sources or whether it was indeed able to secure additional sources of revenue for the continued operation of its program.”); *Outland Sports*, 16 FCC Rcd 13605 at 13607, ¶ 7 (denying petitioner's exemption request because it did “not address whether [petitioner] has sought any means to recoup the cost of closed captioning such as through grants of sponsorships, or through arrangements with The Outdoor Channel or program distributors (e.g. cable systems”).

¹⁰⁴ See e.g., *Lewis Memorial Baptist Church, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Case No. CSR 6283, Memorandum Opinion and Order, 20 FCC Rcd 12434 at 12436, ¶ 4 (MB 2005) (*Lewis Memorial Baptist*) (While the ultimate responsibility to provide captioning is assigned to program
(continued....)

29. Each new petition that provides sufficient information will be placed on public notice. The Bureau will conduct an individual review of each petition to determine the extent to which providing captioning would be economically burdensome for the petitioner, based on information provided in the petition and any comments received. All parties whose petitions were previously granted under *Anglers* or the *Anglers*' reasoning that do not file a new petition within 90-days must come into full compliance with the Commission's closed captioning rules on the 91st day after release of this *MO&O*.¹⁰⁶ In the event that a petitioner (whether listed in Appendix A or any future petitioner) files an exemption petition and such petition is denied, we direct that such petitioner be given a reasonable time period to come into compliance. In the past, petitioners whose exemption requests were denied were directed to come into compliance within 90 days.¹⁰⁷ We anticipate following this precedent, where appropriate. In order to ensure that all petitioners subject to this *MO&O* (listed in Appendix A) are aware of this *MO&O*, we will send a copy by certified mail, return receipt requested to each petitioner at its last known address.

IV. ORDER

30. In this Order ("*Interim Standard Order*"), we provide guidance on how the Commission will construe, on an interim basis, the term "economically burdensome" for purposes of evaluating requests for individual exemptions under section 713(d)(3) of the Act, as amended by the CVAA. For the reasons discussed below, we conclude that Congress, when it enacted the CVAA, intended for the Commission to continue using the undue burden factors contained in 713(e), as interpreted by the Commission and reflected in Commission rules and precedent, for individual exemption petitions, rather than to make a substantive change to this standard.

31. As originally enacted, section 713(d)(3) of the Act authorized the Commission to grant an individual exemption upon a showing that providing closed captioning "would result in an undue burden."¹⁰⁸ Congress provided guidance to the Commission on how it should evaluate these captioning exemptions by setting forth, in section 713(e) of the Act, the following "four factors to be considered" in determining whether providing closed captioning "would result in an undue economic burden": (1) the nature and cost of the closed captions for the programming; (2) the impact on the operation of the

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distributors, it is expected that "distributors would likely incorporate closed captioning requirements into their contracts with producers and owners to negotiate for an efficient allocation of captioning responsibilities."

¹⁰⁵ See e.g., *The Wild Outdoors 2001*, 16 FCC Rcd 13611 at 13614, ¶ 12 ("Failure to support a future exemption request with adequate evidence will result in the dismissal of their petition."). Alternatively, CGB has the discretion to seek further information and documentation from a petitioner if the Bureau deems it appropriate and necessary.

¹⁰⁶ We also address here the unusual circumstances associated with the petition filed by Second Baptist Church, CGB-CC-0165 (filed Dec. 30, 2005). On September 12, 2006, Second Baptist Church received a Bureau Letter Order that contained two errors. First, the letter contained Second Baptist Church's file number, CGB-CC-0165, but was addressed to Macon Road Baptist Church, CGB-CC-0099, and specifically responded to Macon Road's exemption petition. Second, CGB previously had dismissed Second Baptist Church's exemption petition on April 4, 2006, upon this petitioner's request. Although the Application for Review lists CGB-CC-0165 as having received a captioning exemption, the prior dismissal of this petitioner's exemption request means that this petitioner never received an exemption grant. However, given the confusion associated with this petition, we will treat it like all other petitioners subject to this *MO&O*. Specifically, if Second Baptist Church wishes to continue receiving an exemption from the closed captioning mandates, it may file a new petition with the requisite supporting documentation, see ¶ 34, *infra*, within 90 days. If it does not file a new petition by that time, it must begin providing closed captioning of its programming beginning on the 91st day after release of this *MO&O*.

¹⁰⁷ See, e.g., *Wild Outdoors 2005*, 20 FCC Rcd 11873; *New Life Team*, 20 FCC Rcd 3679.

¹⁰⁸ 47 U.S.C. § 613(d)(3).

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.¹⁰⁹

32. In the CVAA, Congress amended section 713(d)(3) of the Act by replacing the term “undue burden” with the term “economically burdensome.”¹¹⁰ Amended section 713(d)(3) provides as follows:

A provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would be economically burdensome.

Congress described the above change as a “conforming amendment,” without offering specific guidance on what it meant by this term.¹¹¹ However, it is noteworthy that the CVAA did not also amend section 713(e), which sets forth the definition of the term “undue burden” and lists the factors to be considered in an “undue economic burden” analysis;¹¹² nor did it define the term “economically burdensome” in the statute. In addition, the legislative history of the CVAA does not suggest that Congress intended the nomenclature change to “economically burdensome” to require application of different criteria than the Commission applied under the prior “undue burden” standard. To the contrary, the legislative report of the Senate Committee on Commerce, Science, and Transportation on the CVAA states that “[t]he Committee encourages the Commission, in its determination of ‘economically burdensome’ to use the [undue burden] factors listed in section 713(e).”¹¹³

33. We recognize that the term “economically burdensome” is applied differently for the purpose of deciding, by rulemaking, which *categories* of programs are to be exempt from the captioning rules under section 713(d)(1) of the Act.¹¹⁴ But Congress’s handling of the two types of captioning exemptions in 1996, together with its recent actions under the CVAA, indicate that, notwithstanding the switch to the “economically burdensome” nomenclature for evaluating individual exemptions, Congress did not intend for the Commission to make a substantive change in the way that it assesses these case-by-case exemption requests under section 713(d)(3).

34. Congress’s directives to the Commission in 1996 – when the closed captioning obligations first became law – and the Commission’s past practice in reviewing and deciding individual exemption petitions are instructive in this regard. Specifically, in the legislative history of the 1996 Amendments to the Act, Congress drew a clear distinction between how it expected the Commission to determine categorical exemptions adopted by regulation under section 713(d)(1) of the Act, and how it

¹⁰⁹ 47 U.S.C. § 613(e); 47 C.F.R. §79.1(f)(2)(i) – (iv).

¹¹⁰ The CVAA made two additional changes to section 713(d). First, *supra*, the new law codifies the Commission’s policy that during the pendency of an exemption petition, a provider or owner shall be exempt from having to provide closed captioning. Second, Congress directed the Commission to act upon exemption petitions filed under section 713(d) within six months after receiving these petitions, unless the Commission finds that an extension of this period is necessary to determine whether the captioning requirements are economically burdensome. Pub. L. No. 111-260 § 202(b), amending 47 U.S.C. § 613(d)(3).

¹¹¹ Pub. L. No. 111-260 § 202(c).

¹¹² 47 U.S.C. § 613(e).

¹¹³ S. Rep. No. 111-386, 111th Cong., 2nd Sess. (2010) at 14.

¹¹⁴ Under section 713(d)(1), the Commission is permitted to exempt by regulation programs, classes of programs, or services when the provision of closed captioning would be “economically burdensome” to the provider or owner of such programming. 47 U.S.C. § 613(d)(1). *See also* ¶ 4, *supra*.

expected the Commission to assess individual exemptions submitted under section 713(d)(3). For the former, Congress directed the Commission to consider several factors, including “(1) the nature and cost of providing closed captions; (2) the impact on the operations of the program provider, distributor, or owner; (3) the financial resources of the program provider, distributor, or owner and the financial impact on the program; (4) the cost of the captioning, considering the relative size of the market served or the audience share; (5) the cost of the captioning, considering whether the program is locally or regionally produced and distributed; (6) the non-profit status of the provider; and (7) the existence of alternative means of providing access to the hearing disabled, such as signing.”¹¹⁵ While some of the undue burden factors under section 713(d)(3), namely the nature and cost of providing closed captions, the impact on the operation of the provider or program owner, and the financial resources of the provider or program owner,¹¹⁶ are the same as factors applied under section 713(d)(1), the other factors used for deciding categorical exemptions go beyond the undue burden factors used in evaluating individual exemption requests, focusing on considerations other than the provider’s costs and resources.¹¹⁷

35. In accordance with the above legislative directive, the Commission has always treated consideration of the two types of captioning exemptions – categorical and individual – differently. For example, when first seeking comment in 1996 on how best to adopt general exemption rules under the economically burdensome standard of section 713(d)(1), the Commission asked commenters to consider factors such as “market size, degree of distribution, audience ratings or share, programming budgets or revenue base, lack of repeat value, or a combination of such factors.”¹¹⁸ The Commission’s 1997 *Closed Captioning Report and Order* explained the relevance of such information to carving out exemptions of general applicability: “[t]he video programming marketplace has evolved to the point where there are now a large number of service providers providing programming for a very specific limited local audience or directing their programming to very limited segments of a national or regional audience.”¹¹⁹ By contrast, the Commission has never relied on factors pertaining to an entity’s audience or market share, its geographic or non-profit status¹²⁰ or the existence of alternative means of providing access in making its individual undue burden determinations under section 713(d)(3). Similarly, the Media Bureau decisions on individual exemption petitions predating the *Anglers Order* decisions never considered the extra factors applicable to the economically burdensome standard of section 713(d)(1).¹²¹

¹¹⁵ See H. Conf. Rep. No. 104-458 (Jan. 31, 1996) at 183.

¹¹⁶ See 47 U.S.C. §§ 613(e)(1), (2) and (3).

¹¹⁷ See *Closed Captioning Report and Order*, 13 FCC Rcd at 3342, ¶ 143.

¹¹⁸ *Closed Captioning Report and Order*, 13 FCC Rcd at 3342, ¶144; *Closed Captioning NPRM*, 12 FCC Rcd at 1075-76, ¶ 71.

¹¹⁹ *Id.*, 13 FCC Rcd at 3343, ¶ 145.

¹²⁰ While consideration of an entity’s non-profit status may be an indication of an entity’s inability to provide captions, by itself, it is not enough to conclude that an exemption is merited. As noted above, the Commission has rejected this as a threshold criteria for determining individual exemption requests. See ¶ 18, *supra*.

¹²¹ See, e.g., *Outland Sports*, 16 FCC Rcd 13605 at 13606, ¶¶ 3-4 (“When determining if the closed captioning requirements will impose an undue burden, the statute requires the Commission to consider the following 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 operation of the provider or program owner. . . . Petitions must include information that demonstrates how the statutory factors are met”); 16 FCC Rcd 13607-8, ¶¶ 7-10 (evaluation of the petition against each of the four factors). See also *Wild Outdoors 2005*, 20 FCC Rcd 11873-74, ¶ 2.

36. Congress was well aware of the existence of the additional categorical exemption criteria under section 713(d)(1) at the time that it enacted the CVAA, and that the Commission had never applied these factors in the context of individual exemption determinations. Had it intended for these additional factors to apply to individual captioning exemption determinations, it presumably would have directed the Commission to do so. Rather than provide such direction, however, Congress specifically suggested the opposite, *i.e.*, that the Commission continue to utilize the original undue burden factors of section 713(e) when deciding individual captioning exemption petitions under section 713(d)(3), and said nothing about the 713(d)(1) factors at all.¹²² Based on the legislative history of sections 713(d)(1) and (d)(3) – both to the 1996 Amendments and more recently to the CVAA – it appears that Congress contemplated that the Commission would use different criteria in applying the “economically burdensome” standard to the different contexts of individual and categorical exemptions.¹²³ Because we believe that Congress did not intend any substantive change to the criteria that the Commission consistently has used for individual closed captioning petitions, this is the approach that we provisionally adopt and propose to make permanent in Section 79.1 of the Commission’s rules in the accompanying *Notice of Proposed Rulemaking*. Accordingly, as an interim measure, we interpret the term “economically burdensome” in section 713(d)(3) of the Act, as amended by the CVAA, to be synonymous with the term “undue burden” as this section was originally drafted in the 1996 Amendments, and as it is defined by the original four undue burden factors contained in section 713(e). We note that this interpretation is consistent with the manner in which the Commission has interpreted the term “economically burdensome” in the Commission’s recently adopted video description rules, also required by the CVAA.¹²⁴

¹²² Although our rules governing undue burden exemptions permit a petitioner to also “present for the Commission’s consideration ‘any other factors the petitioner deems relevant to the Commission’s final determination,’” 47 C.F.R. § 79.1(f)(3), the additional factors used for determining categorical exemptions in the 1997 *Closed Captioning Report and Order*, such as audience and market share, are not relevant to individual exemption requests. Indeed, it is possible for a resource-rich entity to be able to produce and distribute individual programming with captioning regardless of its market or audience size. The same can be said about its geographical or non-profit status, or its ability to provide video programming access via signing or some other means.

¹²³ Compare S. Rep. No. 111-386, 111th Cong. 2nd Sess. (2010) at 14 with H. Conf. Rep. No. 104-458 (Jan. 31, 1996) at 183. Although the term “economically burdensome” is used with regard to categorical exemptions in section 713(d)(1) of the Act, we cannot assume that Congress intended for this term to have the same meaning in both contexts. Federal courts have upheld agency decisions to assign the same term different meanings in different contexts when to do so would best effectuate Congressional intent. See, e.g., *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 14989, 14998-15001, ¶¶ 16-23 (2005) (interpreting “information services” in the Communications Assistance for Law Enforcement Act differently from the interpretation of the similarly defined term in the Communications Act), *aff’d sub nom. Am. Council on Educ. v. FCC*, 451 F.3d 226, 232 (D.C. Cir. 2006) (noting that the Commission’s “interpretation of CALEA reasonably differs from its interpretation of the 1996 Act, given the differences between the two statutes”); see also *Bright House Networks, LLC v. Verizon Cal. Inc.*, 23 FCC Rcd 10704, 10919-20, ¶ 41 (2008) (holding that two entities were “telecommunications carriers for purposes of section 222(b) of the Act” but leaving open the possibility that they are not telecommunications carriers “for purpose of all other provisions of the Act”), *aff’d sub nom. Verizon Cal., Inc. v. FCC*, 555 F.3d 270, 276 (D.C. Cir. 2009) (noting that agencies can interpret imprecise terms differently in separate sections of a statute that have different purposes); *US West Communications, Inc. v. FCC*, 177 F.3d 1058, 1059-60 (D.C. Cir. 1999) (noting that the term “provide” used in different places in the Communications Act can be subject to different meanings, depending on context). For the reasons discussed above, we believe that Congress’s intent can best be effectuated by interpreting “economically burdensome” to have different, albeit closely related, meanings in sections 703(d)(1) and (d)(3).

¹²⁴ *Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket No. 11-43, Report and Order, FCC 11-126, ¶ 44 (2011) (“[W]e intend to ‘use the same factors as applied to the undue burden standard’ . . . to determine whether the rules are economically burdensome (*i.e.*, whether

(continued....)

37. The CVAA also amended section 713(d)(3) to require the Commission to grant or deny a petition seeking an economically burdensome exemption within six months after it receives a petition, unless the Commission finds that an extension of the six-month period is necessary to determine whether such requirements are economically burdensome. Because time is of the essence in responding to petitions that continue to be submitted to the Commission, on an interim basis we direct CGB, with respect to all petitions filed or re-filed subsequent to October 8, 2010, the date on which the CVAA became law, to use the original factors set forth in section 713(e) of the Act, as codified in sections 79.1(f)(2) and (3) of the Commission's rules, in accordance with the guidance provided in the instant order, when making determinations as to whether an individual petitioner has made a documented showing that requiring closed captioning would be "economically burdensome."¹²⁵

V. NOTICE OF PROPOSED RULEMAKING

38. In this *Notice of Proposed Rulemaking*, we propose to continue utilizing the factors used for the "undue burden" exemption standard contained in section 713(e) of the Act and codified in section 79.1(f)(2) of our rules, when evaluating future petitions seeking individual exemptions under the new economically burdensome standard contained in the CVAA. For the reasons explained in the *Interim Standard Order*, which is incorporated by reference herein, we tentatively conclude that Congress intended no substantive change in these factors and that, notwithstanding the change from an "undue burden" to an "economically burdensome" standard, Congress intended for the Commission to continue using the undue burden factors.¹²⁶ We seek comment on these tentative conclusions. We also seek comment on any other interpretations of the term "economically burdensome" that the Commission should consider in evaluating requests for individual exemptions from the closed captioning requirements.

39. At present, the Commission's rules, at section 79.1(f), contain various references to the prior undue burden standard. For example, section 79.1(f)(1) provides that "[e]xemptions may be granted, in whole or in part, for a channel of video programming, a category or type of video programming or a video programming provider upon a finding that the closed captioning requirements will result in an undue burden."¹²⁷ Similarly, section 79.1(f)(2) states "[a] petition for an exemption must be supported by sufficient evidence to demonstrate that compliance with the requirements to closed caption video programming would cause an undue burden,"¹²⁸ and goes on to list the "[f]actors to be

(Continued from previous page) _____
they impose significant difficulty or expense.") (citation omitted). In addition, the Commission recently proposed to apply this interpretation of the "economically burdensome" standard in its proposed rules implementing the CVAA's requirements for closed captioning on certain video programming delivered using Internet protocol. *See Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket No. 11-154, Notice of Proposed Rulemaking, FCC 11-138 ¶ 30 (2011).

¹²⁵ 47 U.S.C. § 613(e), codified at 47 C.F.R. § 79.1(f)(2) and (3).

¹²⁶ *See* ¶¶ 30-37, *supra*. As noted above, in past rulings and in accordance with Congressional directives, the Commission has never applied certain factors considered under section 713(d)(1) for categorical exemptions – *i.e.*, the nonprofit status of the provider, the size of a program's market or audience share, whether a program is locally or regionally produced and distributed, and the existence of alternative means of providing access to programming to people with hearing loss – to its individual exemption determinations. Moreover, Congress did not change any of the factors in section 713(e) of the Act that currently apply to such petitions and the Senate Report to the CVAA encouraged the Commission to continue applying such factors to individual exemption determinations under section 713(d)(3).

¹²⁷ 47 C.F.R. § 79.1(f)(1).

¹²⁸ 47 C.F.R. § 79.1(f)(2).

considered when determining whether the requirements for closed captioning impose an undue burden . . .” Sections 79.1(f)(3), (4), (10), and (11) also reference the “undue burden” standard.¹²⁹ We propose to replace all current references to “undue burden” in section 79.1(f) of the rules with the term “economically burdensome” to correspond with the new language reflected in the CVAA and to make clear that petitioners seeking individual exemptions from the captioning rules must now show that providing captions on their programming would be “economically burdensome.”¹³⁰ We seek comment on this proposed action.

VI. INITIAL REGULATORY FLEXIBILITY CERTIFICATION

40. In this *Notice of Proposed Rulemaking*, the Commission proposes to revise the references to “undue burden” contained in section 79.1(f) of the Commission’s rules – “*Procedures for exemptions based on undue burden*” - to “economically burdensome” as required by the Twenty-First Century Communications and Video Accessibility Act of 2010. No substantive changes to the existing rule beyond this change in terminology are proposed. Since the change is only a change in terminology, there is no burden of compliance on regulated entities subject to these rules. No action is required that would impose any monetary costs or burdens of compliance on any regulated entity. We conclude there will be no economic impact by this rule change on small business entities or consumers. Therefore, since there will be no economic impact of any kind, we certify that the proposals in this *Notice of Proposed Rulemaking*, if adopted, will not have any significant economic impact on a substantial number of small entities. Therefore, the question about impact to small entities is moot.

41. The Commission will send a copy of the *Notice of Proposed Rulemaking*, including a copy of this Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA.¹³¹ This initial certification will also be published in the Federal Register.¹³²

VII. PROCEDURAL ISSUES

A. Materials in Accessible Formats

42. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *MO&O* can also be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro/caption.html>.

B. Regulatory Flexibility

43. As required by the Regulatory Flexibility Act, *see* 5 U.S.C. § 603, the Commission has prepared an Initial Regulatory Flexibility Certification (“IRFC”) of the possible significant economic impact on small entities of the policies and rules addressed in this NPRM. The IRFC is set forth in Appendix C. Written public comments are requested on the IRFC. These comments must be filed in accordance with the same filing deadlines as comments filed in response to the Notice and must have a separate and distinct heading designating them as responses to the IRFC.

¹²⁹ 47 C.F.R. §§ 79.1(f)(3), (4), (10), and (11).

¹³⁰ *See* proposed rule changes in Appendix B.

¹³¹ 5 U.S.C. § 605(b).

¹³² 5 U.S.C. § 605(b).

C. Paperwork Reduction Act

44. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

D. Ex Parte Presentations

45. The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹³³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

E. Comment Filing Procedures

46. Pursuant to sections 1.415 and 1.419 of the Commission’s rules,¹³⁴ interested parties may file comments and reply comments regarding the NPRM on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).¹³⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the Commission’s Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

¹³³ 47 C.F.R. §§ 1.1200 *et seq.*

¹³⁴ 47 C.F.R. §§ 1.415, 1.419.

¹³⁵ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

47. Documents in CG Docket No. 11-XXX will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

48. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

F. Congressional Review Act

49. The Commission will send a copy of this *MO&O* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.¹³⁶

VIII. ORDERING CLAUSES

50. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 4, 5, 303, and 713 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154, 155, 303, and 613, and sections 1.115 and 1.411 of the Commission's Rules, 47 C.F.R. §§ 1.115, 1.411, this *MO&O, Order, and Notice of Proposed Rulemaking* IS ADOPTED.

51. IT IS FURTHER ORDERED that, pursuant to section 1.115 of the Commission's rules, 47 C.F.R. § 1.115, the Consumer Organizations' Application for Review of the *Anglers Order* and the Bureau Letter Orders listed in Appendix A, IS GRANTED to the extent indicated above.

52. IT IS FURTHER ORDERED THAT The Petition for Emergency Stay, filed by the Consumer Organizations is dismissed as moot.

53. IT IS FURTHER ORDERED that the *MO&O, Order, and Notice of Proposed Rulemaking* SHALL BE EFFECTIVE upon publication in the *Federal Register*.

54. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND copies of this *MO&O, Order, and Notice of Proposed Rulemaking* via certified mail, return receipt requested to counsel for or the last known

¹³⁶ See 5 U.S.C. § 801(a)(1)(A).

address for each of the petitioners named in this matter within 10 business days of release of this *MO&O, Order, and Notice of Proposed Rulemaking*.

55. IT IS FURTHER ORDERED that each of the petitions noted in Appendix A hereto that were the subject of the Application for Review shall be dismissed 90 days from the release date of this *MO&O*. Affected petitioners may file new petitions in accordance with the statute and Commission rules within 90 days after the release of this *MO&O*. Any such petitioner who does not file a new petition in accordance with the statute and Commission rules within this 90 day period must begin providing closed captioning of its programming beginning on the 91st day after release of this *MO&O*.

56. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A
List of Petitioners

Case Identifier CGB-CC-	Petitioner	Program Name	Mailing Address
0001	Curtis Baptist Church		Curtis Baptist Church 1326 Broad St. Augusta, GA 30901
0004	Main Street Living		Main Street Living 1400 So. Duluth Ave. Sioux Falls, SD 57105
0005	Anglers for Christ Ministries, Inc.	“The Christian Angler Outdoors Television Show”	Anglers for Christ Ministries, Inc. 2224 Fish Hatchery Rd. Morristown, TN 37813
0006	New Life Worship Center	“Life in Christ	New Life Worship Center 915 Douglas Pike Smithfield, RI 02917
0007	New Beginning Ministries	“In His Image”	New Beginning Ministries 4004 Bonita Rd. Holiday, FL 34691
0008	Thy Kingdom Come, Inc.	“Prophecy Watch”	Thy Kingdom Come, Inc. 7301 E. 14th Street Tulsa, OK 74112
0009	Niagara Ministries	“Digging In With Joanne Bunce”	Niagara Ministries 2074 Lockport Rd. Niagara Falls, NY 14304
0010	Living Faith Apostolic Church	“The Un-compromised Word”	Living Faith Apostolic Church 2177 Mock Road Columbus, OH 43219
0015	University Park Baptist Church	“Producing Kingdom Citizens”	University Park Baptist Church 6029 Beatties Ford Road Charlotte, NC 28216
0018	Power in the Word Outreach Ministries	“Power in the Word”	Power in the Word Outreach Ministries 351 S. Craft Highway Chickasaw, AL 36611
0020	Catholic Diocese of Reno		Catholic Diocese of Reno 290 S. Arlington Avenue, Suite 200 Reno, NV 89501-1713
0023	Christ Chapel, Inc.		Christ Chapel, Inc. 3051 Cloverdale Road

			Florence, AL 35633
0025	Christ Temple Church	“Christ Temple Church Services” and “All About Business”	Christ Temple Church 3400 Paseo Blvd. Kansas City, MO 64109
0028	Immanuel Baptist Church		Immanuel Baptist Church 1415 S. Topeka Wichita, KS 67211
0030	Evangelistic Ministries	“Motivated About Jesus Broadcast”	Evangelistic Ministries 101 N. Elm Street Jacksonville, AR 72076
0031	Calvary Chapel of Bangor	“Godsword”	Calvary Chapel of Bangor 154 River Road Orrington, ME 04401
0033	Faith Christian Church	“Word of Faith”	Faith Christian Church 6472 Duhollow Rd. Warrenton, VA 20187
0034	Word of Life Church	“The Bondage Breaker”	Word of Life Church 11675 Pratt Ave. El Paso, TX 79936
0036	Greater Refuge Temple		Greater Refuge Temple 1317 Rowe Avenue Jacksonville, FL 32208
0038	The Roman Catholic Diocese of Burlington	“TV Mass”	Director of Communications The Roman Catholic Diocese of Burlington 351 North Avenue P.O. Box 489 Burlington, VT 05402-0489
0039	First Baptist Lavaca		First Baptist Lavaca 100 West Main St. P.O. Box 170 Lavaca, AR 72941
0041	St. Mark Baptist Church	“Light of the World”	St. Mark Baptist Church 5722 W. 12th Street Little Rock, AR 72204
0042	United Methodist Hour of MS, Inc.	“Time That Makes the Difference”	United Methodist Hour of MS, Inc. 1604 S. 28th Ave. P.O. Box 16657 Hattiesburg, MS 39404-6657
0045	Van Buren First Assembly of God		Van Buren First Assembly of God 1014 Fayetteville Road Van Buren, AR 72956
0046	Dilworth Church of Christ	“Seeking the Lost”	Dilworth Church of Christ 1404 Drummond Cemetery Road Jasper, AL 35504

0051	First United Methodist Church	“Sunday Celebration”	First United Methodist Church 420 N. Nevada Ave. Colorado Springs, CO 80903
0052	Heartland Academy Community Church	“Straight from the Heart”	Heartland Academy Community Church 400 New Creation Road, North Newark, MO 63458
0055	First Assembly of God	“Living With Power”	First Assembly of God 130 West Carpenter St. Springfield, IL 62702
0057	St. John Missionary Baptist Church	“The Voice of Triumph”	St. John Missionary Baptist Church 1401 Brundage Lane Bakersfield, CA 93307
0058	Coastal Cathedral Church of God		Coastal Cathedral Church of God 2208 E. DeRenne Ave. Savannah, GA 31406
0059	Whitesburg Baptist Church		Whitesburg Baptist Church 600 Whitesburg Drive Huntsville, AL 35802
0060	Geyer Springs First Baptist Church / ACTS of Little Rock, Inc.		Geyer Springs First Baptist Church 12400 Interstate 30 Little Rock, AR 72210
0063	McAlmont Church of Christ	“Answering Voice Ministries”	McAlmont Church of Christ 1824 East 46th P.O. Box 15838 GMF North Little Rock, AR 72231
0065	Mayfair Church of Christ	“Abundant Living”	Mayfair Church of Christ 1095 Carl T. Jones Drive Huntsville, AL 35802
0066	First United Methodist Church		First United Methodist Church 400 N. Fredonia Street Longview, TX 75601-6426
0067	First Baptist Church		First Baptist Church 212 Twelfth St. P.O. Box 828 Columbus, GA 31902-0828
0068	Unitarian Universalist Church	“Fusion”	Unitarian Universalist Church 4848 Turner St. Rockford, IL 61107
0069	Cornerstone Baptist Church	“God’s Good Word”	Cornerstone Baptist Church 16117 GA Hwy. 315 P.O. Box 215 Ellerslie, GA 31807-0215
0070	Mt. Bethel		Mt. Bethel United Methodist Church

	United Methodist Church		4385 Lower Roswell Road Marietta, GA 30068-4132
0072	First United Methodist Church		First United Methodist Church 930 North Blvd. Baton Rouge, LA 70802-5728
0075	The Wellness Hour		The Wellness Hour 73-712 Alessandro Avenue, B-3 Palm Desert, CA 92260
0076	David May Ministries, Inc.		David May Ministries 457 Dayton Avenue P.O. Box 172 Xenia, OH 45385
0077	Alonzo A. Webb, Sr. Ministries		Alonzo A. Webb, Sr. Ministries P.O. Box 457 Haughton, LA 71037
0078	Evangelical Faith Vision Ministries, Inc.		Evangelical Faith Vision Ministries, Inc. P.O. Box 4460 Albany, GA 31706
0080	New Testament Church	“Glory to Glory”	New Testament Church 506 West Dominick St. Rome, NY 13440
0081	Elizabethton Church of Christ	“Biblical Viewpoints”	Elizabethton Church of Christ 137 East C Street Elizabethton, TN 37643
0082	Southcrest Baptist Church	“Southcrest Baptist Church . . . Encounter the Truth”	Southcrest Baptist Church 3801 South Loop #289 Lubbock, TX 79423
0083	Diocese of Lincoln, Nebraska	“The Catholic Mass”	Diocese of Lincoln, Nebraska P.O. Box 80329 Lincoln, NE 68501
0085	Living Word Fellowship		Living Word Fellowship P.O. Box 3707 Hickory, NC 28603
0086	Believers Tabernacle	“Believe TV”	Believers Tabernacle 2000 S. Hillside Wichita, KS 67211
0089	World Changes Tabernacle		World Changes Tabernacle P.O. Box 5264 Columbus, GA 31906
0092	Bethel Deliverance International Church	“Climbing Higher”	Bethel Deliverance International Church 2901 West Cheltenham Avenue Wyncote, PA 19095
0093	New Life		New Life Christian Fellowship

	Christian Fellowship		6755 South Washington Avenue Titusville, FL 32780
0094	First Baptist Rogers		First Baptist Rogers 626 West Olive Street Rogers, AR 72756
0096	Israel, The Church of Jesus	“Thy Kingdom Come Ministries”	Israel, The Church of Jesus Thy Kingdom Come Ministries 3228 West 15th Avenue Gary, IN 46404
0097	Sheffield Family Life Center	“Living Answers for Today”	Sheffield Family Life Center 5700 Winner Road Kansas City, MO 64127
0098	Life Matters, Inc.		Life Matters, Inc. P.O. Box 100 Tonopah, AZ 85354-0100
0099	Macon Road Baptist Church	“Let’s Talk About Jesus”	Macon Road Baptist Church 1082 Berclair Road Memphis, TN 38122
0100	First Baptist Church, Shreveport		First Baptist Church, Shreveport 543 Ockley Drive Shreveport, LA 71106-1299
0103	Christian Fellowship Church	“The Bridge”	Christian Fellowship Church P.O. Box 530158 Harlingen, TX 78553
0104	Community Christian Church	“Door of Faith”	Community Christian Church 1104 North Memorial Dr. Greenville, NC 27834
0105	Kansas City Baptist Temple	“Live the Great”	Kansas City Baptist Temple 5460 Blue Ridge Cutoff Kansas City, MO 64133
0107	First United Methodist Church		First United Methodist Church 1411 Broadway Lubbock, TX 79401
0108	Calvary Community Church	“Grace Upon Grace”	Calvary Community Church 12612 N. Black Canyon Hwy. Phoenix, AZ 85029
0111	Mountain of Praise Church	“Mountain of Praise Church Television Broadcast”	Mountain of Praise Church Television Broadcast 1255 W. North Street Lot 54 Kenton, OH 43326-1071
0112	Broadmoor Baptist Church		Broadmoor Baptist Church 4110 Youree Drive Shreveport, LA 71105
0114	First Word		First Word Ministries

	Ministries		2810 East Texas Street Bossier City, LA 71111
0118	Mt. Carmel Baptist	“Leaning on the Everlasting Arms”	Mt. Carmel Baptist P.O. Box 929 Hattiesburg, MS 39403
0119	Bon Air Baptist Church	“Northstar Community”	Bon Air Baptist Church 2531 Buford Rd. Richmond, VA 23235
0121	Classic Southern Singing	“Classic Southern Singing”	Classic Southern Singing 2025 Indiana Avenue Joplin, MO 64804
0125	Main Street Baptist Church		Main Street Baptist Church 111 Main Street Blvd. Hattiesburg, MS 39402
0126	First United Methodist Church		First United Methodist Church 2416 West Cloverdale Park Montgomery, AL 36106-1908
0130	Goodnews Broadcast Ministries	“Goodnews”	Goodnews Broadcast Ministries 3400 Peachtree Road, NE Suite 1125 Atlanta, GA 30326
0131	Faith Builders International Ministries		Faith Builders International Ministries 2170 Murphy Wood Road Beloit, WI 53511
0132	Kingdom Life Fellowship Ministries	“Word of Truth”	Kingdom Life Fellowship Ministries International, Inc. P.O. Box 657 2045 New Tennille Road Harrison, GA 31035
0133	Cornerstone Christian Church		Tom W. Thomas, Sr. The Thomas Law Firm, P.C. P.O. Box 540 102 N. Hutchinson Ave. Adel, GA 31620 Re: Cornerstone Christian Church
0134	The Catholic Diocese of Grand Rapids		Catholic Diocese of Grand Rapids 660 Burton Street, S.E. Grand Rapids, MI 49507
0135	First United Methodist Church	“Celebration of Worship”	First United Methodist Church 201 Monroe Street Jefferson City, MO 65101-3293
0137	Abundant Faith Christian Center	“Faith for Today”	Abundant Faith Christian Center 2525 Taylor Avenue P.O. Box 121 Springfield, IL 62703
0138	Word of	“Revelation	Word of Faith Christian Center

	Faith Christian Center	Knowledge”	2111 Country Club Road Hattiesburg, MS 39401
0139	Global Christian Network		Global Christian Network P.O. Box 464687 Atlanta, GA 30042
0140	Greenwood Acres Full Gospel Baptist Church	“Know Your Bible”	Greenwood Acres Full Gospel Baptist Church 7480 Greenwood Road Shreveport, LA 71119
0141	First Baptist Church of Abilene		First Baptist Church of Abilene 1333 North Third Street Abilene, TX 79601
0142	Wildfire Global Church		Wildfire Global Church 3032 Primrose Dr. Abilene, TX 79606
0143	First Lutheran Church	“Peace and Power”	First Lutheran Church 301 West Clark Albert Lea, MN 56007
0144	Dawson Memorial Baptist Church		Dawson Memorial Baptist Church 1114 Oxmoor Road Birmingham, AL 35209
0146	Faith Clinic Christian Center Church		Faith Clinic Christian Center Church P.O. Box 19927 Amarillo, TX 79114-1927
0147	Mount Zion AME Zion Church	“Mt. Zion AME Zion Church”	Mount Zion AME Zion Church 455 West Jeff Davis Avenue Montgomery, AL 36104
0149	First United Methodist Church		First United Methodist Church Head of Texas Street P.O. Drawer 1567 Shreveport, LA 71165-1567
0151	Upper Room Church	“Outreach Ministry”	Upper Room Church P.O. Box 6 Elkton, VA 22827
0153	Porterfield United Methodist Church		Porterfield United Methodist Church 2200 Dawson Road Albany, GA 31707
0160	Christian Worship Hour		Christian Worship Hour 1500 East Melgaard Road Aberdeen, SD 57401-7714
0163	First Baptist Church of Biloxi, MS		First Baptist Church 1560 Popp's Ferry Road Biloxi, MS 39532
0165	Second		Second Baptist Church

	Baptist Church		3111 E. Battlefield Springfield, MO 65804
0167	Grace Community United Methodist Church		Grace Community United Methodist Church 9400 Ellerbe Road Shreveport, LA 71106
0168	Word of God Ministries	“Ministering the Word”	Word of God Ministries 5895 Bert Kouns Industrial Loop Shreveport, LA 71138
0169	Victory Life Baptist Church, Inc.	“The Truth Be Told”	Victory Life Baptist Church, Inc. c/o Billy Wolfe Wolfe & Associates P.O. Box 2742 Lubbock, TX 79408
0170	Straightway Ministries, Inc.	“Church of the Living God”	Straightway Ministries, Inc. P.O. Box 1542 Leland, NC 28451
0172	First Baptist Church	“Spreading the Light”	First Baptist Church 301 W. Ferguson Tyler, TX 75702
0173	Temple Baptist Church	“The Temple Baptist Hour”	Temple Baptist Church 2100 W. Woodrow Dr. Knoxville, TN 37918
0174	First Baptist Church	“Living in the Light”	First Baptist Church 411 North St. Nacogdoches, TX 75961
0176	Calvary Tucson	“Practical Christian Living”	Calvary Tucson 5170 S. Julian Drive Tucson, AZ 85706
0179	Nettleton Church of Christ	“Speaking the Truth in Love”	Nettleton Church of Christ 3521 E. Highland Drive P.O. Box 2216 Jonesboro, AR 72402-221
0180	Legacy Church	“Life Solutions”	Legacy Church 7201 Central Avenue, NW Albuquerque, NM 87121
0182	Broadway Baptist Church		Broadway Baptist Church 710 East Third Sweetwater, TX 79556
0184	Antioch Missionary Baptist Church		Antioch Missionary Baptist Church 530 West Mound Round Decatur, IL 62526
0185	Galena	“In His	Galena Assembly of God

	Assembly of God	Presence”	1500 East 7th Street Galena, KS 66739
0188	United Faith of Deliverance Ministries		United Faith of Deliverance Ministries Sima N. Chowdhury, Esq. Fletcher, Heald & Hildreth 1300 North 17th Street, 11th Floor Arlington, VA 22209
0193	Everlasting Covenant Ministries	“Seeking the Lost”	Everlasting Covenant Ministries 2140 McGee Road, Suite D Snellville, GA 30078
0194	The Tzemach Institute for Biblical Studies		The Tzemach Institute for Biblical Studies P.O. Box 181191 Casselberry, FL 32718
0195	Summer Grove Baptist Church	“It Feels Like Home”	Summer Grove Baptist Church 8924 Jewella Road Shreveport, LA 71148
0197	Unionville Missionary Baptist Church	“The Church with a Mission A Minister with a Message”	Unionville Missionary Baptist Church 3837 Houston Avenue Macon, GA 31206
0198	Calvary in Savannah	“Calvary in Savannah, Pillars of Strength, Transforming Lives”	Calvary in Savannah 4625 Waters Avenue Savannah, GA 31404
0201	Edgewood Baptist Church		Edgewood Baptist Church 3564 Forrest Rd. Columbus, GA 31907
0203	First Baptist Church	“Hope from Above”	First Baptist Church P.O. Box 609 Fort Smith, AR 72902
0205	South Plains Church	“The Winners Edge” and “Kingdom Connect”	South Plains Church 1421 E. Cactus Drive Levelland, TX 79336
0206	Divine Faith Ministries	“Soaring with Eagles”	Divine Faith Ministries 4725 River Green Parkway Duluth, GA 30096
0208	Walking By Faith		Walking By Faith 5120 Ivanrest Avenue, SW Grandville, MI 49418

0211	New Life Church International	“Impacting Your Life”	New Life Church International 1858 Midtown Drive Columbus, GA 31906
0212	The Covenant Church of Jesus Christ		The Covenant Church of Jesus Christ 509 May Ave. P.O. Box 5033 Macon, GA 31204
0214	Dayspring Ministries of Gloster Street Church of Christ		Dayspring Ministries of Gloster Street Church of Christ 307 North Gloster Street Tupelo, MS 38804
0215	Covenant World Outreach Church		Covenant World Outreach Church 2623 South Chapel Road P.O. Box 402 Carthage, MO 64836
0216	Greater King David Baptist Church	“The Movement of Christ”	Greater King David Baptist Church 222 Blount Avenue Baton Rouge, LA 70807
0217	Anthony Strawder Ministries aka Epignosis Bible Church	“Hear and Be Healed”	Anthony Strawder Ministries P.O. Box 7515 Monroe, LA 71211
0218	Lima Baptist Temple		Lima Baptist Temple T. Blain Brock II Huffman, Kelley, Becker & Brock, LLC 127 N. Pierce Street P.O. Box 546 Lima, OH 45802-0546
0219	First Centenary United Methodist Church		First Centenary United Methodist Church P.O. Box 208 Chattanooga, TN 37401
0222	World Outreach Revival Deliverance Ministry, Inc.		World Outreach Revival Deliverance Ministry, Inc. 301 Cross Creek Drive Summerville, SC 29485
0225	First Baptist Church		First Baptist Church 305 South Perry Street Montgomery, AL 36104
0226	Walnut Street Baptist Church	“Walnut Street Live”	Walnut Street Baptist Church 1143 S. 3rd Street, Suite A Louisville, KY 40203

0227	Jesse Rich Ministries	“Word of Faith”	Jesse Rich Ministries P.O. Box 2250 Hartford, CT 06145
0228	Starkville Church of God	“Voice of Hope” and “Oasis”	Starkville Church of God 100 Locksley Way Starkville, MS 39759
0230	United Church of the Lord Jesus Christ	“God’s Guide for Living Right”	United Church of the Lord Jesus Christ Joseph M. DiScipio, Esq. Sima N. Chowdhury, Esq. Fletcher, Heald & Hildreth, P.L.C. 1300 North 17th Street – 11th Floor Arlington, VA 22209
0231	Zion Baptist Church		Zion Baptist Church 3031 Hollywood Avenue Shreveport, LA 71108
0232	Cherokee Church of Christ	“TV Sunday School”	Cherokee Church of Christ 1421 Cherokee Road Johnson City, TN 37604-7268
0233	Corpus Christi Christian Fellowship		Corpus Christi Christian Fellowship 6602 South Staples Corpus Christi, TX 78413
0235	Christian Video Ministries, Inc.		Christian Video Ministries, Inc. P.O. Box 1466 San Antonio, TX 78295-1466
0238	Central Baptist Church		Central Baptist Church P.O. Box 2024 Decatur, AL 35602
0239	First United Methodist	“Eleven-o-clock Worship Service”	First United Methodist Church 903 East 4th Street P.O. Box 248 Panama City, FL 32401
0242	Peaceful Zion Missionary Baptist Church		Rev. Dr. C.P. Preston, Jr., Pastor Peaceful Zion Missionary Baptist Church 2400 N.W. 68th Street Miami, FL 33147
0243	Southland Christian Church	“The Southland Hour”	Southland Christian Church P.O. Box 23338 Lexington, KY 40523-3338
0244	First Presbyterian Church		First Presbyterian Church P.O. Box 1094 Columbus, GA 31902-1094
0248	Forth Worth Bible Students	“The Divine Plan Program”	Forth Worth Bible Students P.O. Box 4085 Fort Worth, TX 76164

0249	First Baptist Church		First Baptist Church P.O. Box 256 Carriere, MS 39426
0251	Redemption Church International	“The Power of the Word”	Redemption Church International 3550 Pleasant Ridge Road Knoxville, TN 37921
0253	True Church of God in Christ, Inc.		True Church of God in Christ, Inc. 679 Glendale Rd. Scottdale, GA 30079
0255	True Church of God in Christ		True Church of God in Christ. 236 Baker Street Savannah, GA 31415
0257	Bull Street Baptist Church		Bull Street Baptist Church 17 East Anderson Street Savannah, GA 31401
0258	Christ for the Crisis		Christ for the Crisis P.O. Box 6 Fulton, MS 38843
0259	First United Methodist Church		First United Methodist Church 909 Tenth Street at Travis P.O. Box 2125 Wichita Falls, TX 76307
0260	Revival Tabernacle Church		Revival Tabernacle Church P.O. Box 1533 Lexington, KY 40588
0261	KICKS Ministries	“KICKS Club” and “KIDWISE”	KICKS Ministries & Victory Harvest Church, Inc. 85 N. Columbus Street Sunbury, OH 43074
0264	First Assembly of God		First Assembly of God P.O. Box 97100 Shreveport, LA 71149
0266	Terry Colwell Ministries	“Keys to the Kingdom”	Terry Colwell Ministries 304 Holt Hermitage, MO 65668
0267	Grace Street Church of Christ	“Speaking The Truth In Love”	Grace Street Church of Christ 120 Grace Street Augusta, GA 30904
0268	Canaan Baptist Church		Canaan Baptist Church 2835 Branton Woods Drive Columbus, GA 31907
0270	Diocese of Gaylord		Diocese of Gaylord 611 West North Street Gaylord, MI 49735-8349
0271	CrossTV	“Word Pictures”	CrossTV 370 W. Camino Gardens Blvd. Suite 300 Boca Raton, FL 33432
0272	New Covenant Fellowship	“Life the Way it Ought to	New Covenant Fellowship Ministries, Inc.

	Ministries, Inc. d/b/a Life Church	Be!”	d/b/a Life Church 11735 Plantation Road Fort Myers, FL 33912
0273	Cathedral A.M.E. Zion Church	“Say What the Lord Said”	Cathedral A.M.E. Zion Church 428 West Northside Drive Jackson, MS 39206
0274	Christian Faith Fellowship	“Principles For Successful Living”	Christian Faith Fellowship 4250 State Highway K Cape Girardeau, MO 63701
0275	The Diocese of Lake Charles	“Glad Tidings”	The Diocese of Lake Charles 414 Iris St. Lake Charles, LA 70601
0278	Abundant Life Outreach Ministries, Inc.	“Abundant Life Outreach Ministries Religious Program”	Abundant Life Outreach Ministries, Inc. P.O. Box 210674 Columbia, SC 29221
0282	Ellwood Community Church	“Circle of Love Outreach”	Ellwood Community Church 1705 Selma Avenue Selma, AL 36701
0283	East Main Church of Christ	“Give Me the Bible”	East Main Church of Christ P. O. Box 1761 Tupelo, MS 38802
0284	Word of Faith Christian Center	“Sword of the Spirit”	Word of Faith Christian Center P. O. Box 116 St. Matthews, SC 29135
0286	Christ Chapel		Christ Chapel 170 Starcadia Circle Macon, GA 31210
0289	The Beulahland Bible Church		Beulahland Bible Church 1010 Newberg Avenue Macon, GA 31206
0290	Odessa Christian Faith Center	“Voice of Faith”	Odessa Christian Faith Center 8860 Andrews Highway P. O. Box 13330 Odessa, TX 79768
0291	God and Country Revival		God and Country Revival 1331 12th Avenue, Suite 102 Altoona, PA 16601
0292	Ebenezer Baptist Church		Ebenezer Baptist Church 652 Raleigh Road Rocky Mount, NC 27803
0294	First Apostolic Church	“The Voice of Pentecost”	First Apostolic Church 5020 Pleasant Ridge Road Knoxville, TN 37912
0295	Greg Crowe Ministries	“Backstage”	Greg Crowe P. O. Box 3182 Tuscaloosa, AL 35403-3182

0297	Church of Christ on Lewis Street		Church of Christ on Lewis Street 2716 South Lewis Street Little Rock, AR 72204
0300	America Come Back To God Evangelistic Church, Inc.		America Come Back To God Evangelistic Church, Inc. 550 Rockaway Avenue Brooklyn, NY 11212
0301	First Baptist North Mobile	“The Great Adventure Outdoor Show”	First Baptist North Mobile 1251 Industrial Parkway Saraland, AL 36571
0302	Voice for Jesus Church	“Voice for Jesus”	Voice for Jesus Church 5325 NW 159 Street Miami, FL 33014
0303	First Baptist Church		First Baptist Church 701 South Main Street Jonesboro, AR 72401
0304	Erie First Assembly of God	“Fully Alive”	Erie First Assembly of God 8150 Oliver Road Erie, PA 16509
0306	Power of Deliverance T.V. Ministries		Power of Deliverance T.V. Ministries Believers of the Word International Outreach Ministries, Inc. 7341 Naples Avenue South Birmingham, AL 35206
0307	Christian Assembly		Christian Assembly 6241 Tuscarawas Road Industry, PA 15052
0311	Sevier Heights Baptist Church	“Upon this Rock”	Sevier Heights Baptist Church 3232 Alcoa Highway Knoxville, TX 37920
0312	Clinton McFarland Ministries	“The Wonderful Day”	Clinton McFarland Ministries P.O. Box 2835 Columbus, MS 39704
0313	Citychurch Outreach Ministries		Citychurch Outreach Ministries 205 S. Polk Amarillo, TX 79101
0314	First Assembly of God	“The Gospel of Jesus Christ”	First Assembly of God P.O. Box 19187 1404 Stone Street Jonesboro, AR 72403
0315	Apostolic Fellowship Holiness Church		Apostolic Fellowship Holiness Church 610 Clanton Street Opelika, AL 36801
0316	Catholic Diocese of Lafayette	“Tell The People”	Office of Radio and Television Ministries Catholic Diocese of Lafayette

			1408 Carmel Avenue Lafayette, LA 70501-5298
0318	First United Methodist Church – Lufkin		First United Methodist Church – Lufkin 805 E. Denman Avenue Lufkin, TX 75901
0319	God’s House of Prayer		God’s House of Prayer 301 Highland Avenue Opelika, AL 36801
0321	The Lower Lighthouse	“The Lower Lighthouse”	The Lower Lighthouse P.O. Box 219 Greeneville, TN 37744
0322	True Deliverance Holiness Church		True Deliverance Holiness Church P.O. Box 57 Auburn, AL 36830
0324	Lovelife Ministries		Lovelife Ministries 800 Hwy 431 Phenix City, AL 36869
0327	Cathedral of the Palms		Cathedral of the Palms 3401 S. Alameda Corpus Christi, TX 78411
0333	Christian Love Fellowship Ministries	“Welcome Home”	Christian Love Fellowship Ministries 747 South Federal Highway Deerfield Beach, FL 33441
0337	Abundant Life Fellowship		Abundant Life Fellowship P.O. Box 770 Lake Charles, LA 70606
0339	First United Methodist Church		First United Methodist Church 1126 E. Silver Springs Blvd. Ocala, FL 34470
0341	Huntington Park Church of Christ Video Inspirations	“Search for Direction”	Huntington Park Church of Christ 6161 W. 70 Shreveport, LA 71129
0342	Peachtree Presbyterian Church		Peachtree Presbyterian Church 3434 Roswell Road, N.W. Atlanta, GA 30305
0350	Willette Duvall	“Gospel Experience with Willette Duvall”	Willette Duvall Ministries P.O. Box 43816 Los Angeles, CA 90043
0352	Embassies of Christ Kingdom Ministries	“You Have a Destiny”	Embassies of Christ Kingdom Ministries 900 W. Ridge Road P.O. Box 1830 Gary, IN 46409

0353	Word of God Tabernacle TV Ministry		Word of God Tabernacle Church P. O. Box 811 Roberta, GA 31078
0355	First Assembly of God		First Assembly of God P.O. Box 734 Dothan, AL 36302
0369	Television Center of the Archdiocese of Miami	“Sunday Mass”	Television Center of the Archdiocese of Miami c/o Robert Lewis Thompson 5028 Wisconsin Avenue., NW #301 Washington, DC 20016.
0371	Westside Church Media Ministry	“God’s Guide for Living Right”	Westside Church Media Ministry c/o Sima N. Chowdhury Fletcher, Heald & Hildreth 1300 North 17th Street, 11 th Floor Arlington, VA 22209
0373	Robert C. Blakes, Sr. Ministries Broadcast/New Home Ministries	“The Taking The Kingdom Broadcast”	Robert C. Blakes, Sr. Ministries Broadcast/New Home Ministries 3000 Tecumseh Street Baton Rouge, LA 70805-7981
0375	Faith and Deliverance Outreach Mission Ministries	“Walking by Faith”	Faith and Deliverance Outreach Mission Ministries P.O. Box 93 Powder Springs, GA 30127
0376	New St. Paul Tabernacle Church of God in Christ	“March of Faith”	New St. Paul Tabernacle Church of God in Christ 15340 Southfield Road Detroit, MI 48223
0377	Bible Enrichment Fellowship International Church	“Turn It Around”	Bible Enrichment Fellowship International Church 400 East Kelso Street Inglewood, CA 90301
0379	The Sound of Light		The Sound of Light P.O. Box 2212 Spartanburg, SC 29304
0382	Hoffmantown Baptist Church, Inc.		Hoffmantown Baptist Church, Inc. 8888 Harper NE Albuquerque, NM 87111
0386	Emmanuel Christian Center		Emmanuel Christian Center 7777 University Avenue NE Minneapolis, MN 55432
0387	Time of Refreshing	“Touch and Agree”	Time of Refreshing Christian Worship Center

	Christian Worship Center		7919 Magnolia Homes Road Orlando, FL 32810
0388	Lutheran Church of the Redeemer	“Music and Message”	Lutheran Church of the Redeemer 731 Peachtree Street, NE Atlanta, GA 30308-1281
0389	Christ Church of Oak Brook	“The Pulpit of Christ Church”	Christ Church of Oak Brook Thirty-First and York Road Oak Brook, IL 60523
0394	Christ Love Ministries International		Christ Love Ministries International P.O. Box 72800 Providence, RI 02907
0397	South Tulsa Adventist Fellowship		South Tulsa Adventist Fellowship 15303 East 21st Street Tulsa, OK 74134
0399	Todds Road Grace Church	“Free Grace Broadcast”	Todds Road Grace Church 4137 Todds Road Lexington, KY 40509
0400	Dr. Tab Smith	“The Bible Says”	Pan American Broadcasting 2021 The Alameda – Suite 240 San Jose, CA 95126-1145
0401	Oak Ridge Baptist Church	“Good Sunday Mornin”	Oak Ridge Baptist Church Route 4, Box 3700 Stigler, OK 74462
0404	Taylor Road Baptist Church		Taylor Road Baptist Church 1685 Taylor Road Montgomery, AL 36117
0406	Victory Temple	“The World We Live In”	Victory Temple 2630 South 11th Street Beaumont, TX 77701
0408	Abundant Life Church	“Sharing His Life”	Abundant Life Church 6440 Rock Springs Road Lithonia, GA 30038
0410	All Faith Self Help Center		All Faith Self Help Center 4440 East Indian School Road Phoenix, AZ 85018
0415	Gloryland Harvest		Gloryland Harvest 757 South Woodland Drive Radcliff, KY 40160
0417	The Archdiocese of San Francisco	“The Mass”	Director of Communications The Archdiocese of San Francisco One Peter Yorke Way San Francisco, CA 94109-6602
0421	Cornerstone Church (Assemblies of God), Inc	“In Focus”	Cornerstone Church (Assemblies of God), Inc Sima N. Chowdhury, Esq. Fletcher, Heald & Hildreth, P.L.C. 1300 North 17th Street - 11th Floor Arlington, VA 22209
0423	World	“World Harvest	World Harvest Church International

	Harvest Church International	Today”	P.O. Box 750 Ball Ground, GA 30107
0426	Lush Productions, LLC	“This Week in Real Estate”	Lush Productions, LLC c/o J. Dominic Monahan Luvaas Cobb P.O. Box 10747 Eugene, OR 97440-2747
0427	First United Methodist Church		First United Methodist Church 901 North Kings Highway P.O. Box 1367 Myrtle Beach, SC 29578-1367
0432	First Baptist Church – Albany		First Baptist Church – Albany P.O. Box 67 Albany, GA 31702
0436	University Family Fellowship		University Family Fellowship 1125 Stanford Way Sparks, NV 69431
0437	Victory Chapel		Victory Chapel 32 W. Bellisle Drive Akron, OH 44319
0441	First United Methodist Church, Albany		First United Methodist Church 307 Flint Avenue Post Office Box 448 Albany, GA 31702-0448
0442	Saint Paul AME Church		Saint Paul AME Church 989 Walter E. Davis Sr. Drive Macon, GA 31217
0444	Hartford Highway Church of Christ	“Let the Bible Speak”	Hartford Highway Church of Christ 4186 Hartford Highway P.O. Box 762 Dothan, AL 36302
0446	Trenholm Road United Methodist Church		Trenholm Road United Methodist Church 3401 Trenholm Road Columbia, SC 29204
0449	J.U.M.P. Ministries International Church	“Joyously Unveiling the Master’s Plan”	J.U.M.P. Ministries International Church P.O. Box 703392 New Smyrna Beach, FL 32170
0450	Village of Faith Ministries	“Celebrate Life Broadcast”	Village of Faith Ministries P. O. Box 38301 Richmond, VA 23231
0453	Calvary Chapel of Salt Lake City		Calvary Chapel of Salt Lake City 460 W. Century Drive Salt Lake City, UT 84123
0454	Thirteenth Street Baptist Church		Thirteenth Street Baptist Church P.O. Box 1700 Ashland, KY 41105-1700

0456	Life in Christ Ministries, Inc.	“Life in Christ”	Life in Christ Ministries, Inc. 7201 Westfield Avenue Pennsauken, NJ 08110
0458	Family Praise Center	“Getting Equipped with Family Praise Center”	Family Praise Center 5820 NW Loop 410 San Antonio, TX 78238
0459	Transformation Ministries First Baptist Church		Transformation Ministries First Baptist Church 632 West Main Street Charlottesville, VA 22903
0461	Fellowship Baptist Church		Fellowship Baptist Church 1101 Forty-Sixth Street P.O. Box 5099 Vienna, WV 26105
0462	Faith Christian Center Church	“A Measure of Faith”	Faith Christian Center Church P.O. Box 12428 Beaumont, TX 77726-2428
0463	Praise Temple Inc.	“The Abiding Word”	Praise Temple Inc. PO Box 76604 6103 West Capitol Drive Milwaukee, WI 53216
0465	Soul Food For The Soul	“Now We’re Cooking”	Soul Food For The Soul Chef Audrey’s Bistro & Bakery 115 A Margie Drive P.O. Box 8151 Warner Robbins, GA 31095
0467	A.D. Bums Ministries	“Reaching the World Through Faith”	A.D. Bums Ministries P.O. Box 05691 Milwaukee, WI 53205-0691
0469	Harmony Hill Baptist Church		Harmony Hill Baptist Church 2708 S. Chestnut Lufkin, TX 75901
0470	The Proceeding Word Ministries International	“The Proceeding Word”	The Proceeding Word Ministries International Cumberland Christian Center Church 109 South Plymouth St. Fayetteville, NC 28312
0474	The Church That Christ Built	“The Church that Christ Built”	The Church That Christ Built P.O. Box 1188 Greenville, MS 38702-1188
0475	Trinity Lutheran Church	“Living Hope”	Trinity Lutheran Church 100 N Frederick Street Cape Girardeau, MO 63701
0476	Berean Bible Study Association	“Grace Believer’s Bible Study”	Berean Bible Study Association 204 Tower Drive Pensacola, FL 32534

0477	University City Church		University City Church 7829 Old Concord Road Charlotte, NC 28213
0480	The Lord's Sentinel Fellowship Church, Inc.		The Lord's Sentinel Fellowship Church, Inc. P.O. Box 44 Lake Placid, FL 33862
0481	Move of God Ministries	"Unity"	Move of God Ministries 8063 Veterans Parkways Columbus, GA 31909
0483	Full Gospel Word & Worship Center		Full Gospel Word & Worship Center 6015 N. Main Street P.O. Box 2169 Columbia, SC 29202
0484	Fullers' Deliverance Outreach Ministry		Fullers' Deliverance Outreach Ministry 4925-A Alpine Road Columbia, SC 29223
0487	Christian Fellowship Church	"Faith In Action"	Pastor Shane Philpott President Christian Fellowship Church 1151 – 15 th Street, SW Mason City, IA 50401
0492	Heritage Christian University	"Real World Ministries"	Heritage Christian University P. O. Box HCU 3625 Helton Drive Florence, AL 35630
0493	River of Life Christian Center	"Chosen Generation"	River of Life Christian Center P. O. Box 608162 Orlando, FL 32860
0494	Mt. Calvary Church of Christ Written in Heaven	"Hour of Assurance"	Mt. Calvary Church of Christ Written in Heaven P. O. Box 406 1320 Highway #2 Graceville, FL 32440
0496	Crossfire World Outreach Ministries	"Crossfire Television"	Crossfire World Outreach 942 28 th Street Springfield, OR 97477
0497	Family Worship Center	"Revival Time"	Family Worship Center 9558 Two Notch Road Columbia, SC 29223
0501	Living Faith Christian Center	"Wordpower Broadcast"	Living Faith Christian Center 6375 Winbourne Avenue Baton Rouge, LA 70805
0502	House of Prayer		House of Prayer 855 Rutledge Avenue Charleston, SC 29403
0505	The	"The	The Lighthouse

	Lighthouse	Lighthouse Broadcast”	1790 Charnelton Street Eugene, OR 97401
0507	Women of Substance Ministries, Inc.	“Women of Substance”	Women of Substance Ministries, Inc. P.O. Box 117 Lindenhurst, NY 11757-0117
0510	Victory Tabernacle Bible Training Center		Victory Tabernacle Bible Training Center c/o Fletcher, Heald & Hildreth, P.L.C. 11 th Floor, 1300 North 17 th Street Arlington, VA 22209
0512	Union Baptist Church	“Sunday Service”	Union Baptist Church c/o Howard A. Peters Esq. Scott & Scott, P.C. Attorneys at Law 611 East Monroe Street, Suite 200 Springfield, IL 62701
0513	Ralph Sexton Ministries	“Restore the Landmarks”	Ralph Sexton Ministries 566 Old County Home Road Asheville, NC 28806
0516	First Church on the Hill	“Catch the Vision”	First Church on the Hill P.O. Drawer G Rusk, TX 75785
0519	Christ Word of Truth Church	“Word of Truth”	Christ Word of Truth Church 1755 NW 78th Street Miami, FL 33147
0520	Riverbend Church		Riverbend Church 4214 Capital of Texas Highway North Austin, TX 78746
0521	Victory Ministries International		Victory Ministries International 807 E. 43rd Street Baltimore, MD 21212
0522	Heartbeat Ministries		Heartbeat Ministries P.O. Box 550 Snow Camp, NC 27349
0524	First Assembly of God - Binghamton, NY		First Assembly of God - Binghamton, NY 255 Washington Street Binghamton, NY 13901
0525	Hillcrest Baptist Church - El Paso, TX		James L. Oyster 108 Oyster Lane Castleton, VA 22716-2839 Re: Hillcrest Baptist Church - El Paso, TX
0526	Channel of	“Now is the	Channel of Love Ministries

	Love Ministries	Time for Miracles”	P.O. Box 3007 Redding, CA 96099
0527	The Gravediggers Ministries, Inc.	“The Gravediggers Show”	The Gravediggers Ministries, Inc. 4363 Yates Road College Park, GA 30337-4833
0529	Catholic Diocese of Youngstown County	“The Mass for Shut-Ins”	Catholic Television Network of the Diocese of Youngstown P.O. Box 430 9531 Akron-Canfield Road Canfield, OH 44406
0533	River of Life Church of Central Florida		River of Life Church of Central Florida 281 N. Division Street Oviedo, FL 32765
0536	Divine Deliverance Christian Center	“Today’s Living”	Divine Deliverance Christian Center 1205 Mangrove Drive Chesapeake, VA 23323
0537	New Testament Church	“New Testament”	New Testament Church 403 Rapidan Street Portsmouth, VA 23701
0543	Family of Faith Christian Church	“Works of Faith Broadcast”	Family of Faith Christian Church 215 W. Bow Street P.O. Box 120046 Tyler, TX 75712
0545	North Highland Assembly of God	“Bread of Life”	North Highland Assembly of God 7300 Whittlesey Blvd. Columbus, GA 31909
0549	Messiah Outreach Christian Family Church		Messiah Outreach Christian Family Church 1613 Sheffield Drive P.O. Box 8415 Columbus, GA 31908
0552	North Asheville Baptist Church	“Eternal Truths”	North Asheville Baptist Church 20 Reynolds Mountain Boulevard Asheville, NC 28804
0553	Unity Church of Christianity	“Yes, You Can!”	Unity Church of Christianity 4211 Maize Road Columbus, OH 43224
0555	Outpouring Worship Center aka Ravenna	“Outpouring” and “Cutting Edge Video	Outpouring Worship Center 11811 Hts. Ravenna Road Ravenna, MI 49451

	Assembly of God		
0557	By His Word Christian Center	“Living By His Word”	By His Word Christian Center P.O. Box 110608 Tacoma, WA 98411
0561	First Baptist Church of Leesburg	“Meeting Needs, Sharing Christ”	First Baptist Church of Leesburg 220 North 13th Street Leesburg, FL 34748
0562	Beloved St. John Evangelistic Church	“Time of Decision”	Beloved St. John Evangelistic Church 4541 North Broad Street Philadelphia, PA 19140
0566	Stay Focused Ministries		Stay Focused Ministries P.O. Box 5814 Bakersfield, CA 93388-5814
0567	Faith Temple of Lincolnton, Inc.	“Possessing Your Promises”	Faith Temple of Lincolnton, Inc. 1477 Leathersville Road Lincolnton, GA 30817
0571	Bay Shore Community Church		Bay Shore Community Church 36759 Millsboro Highway Millsboro, DE 19966-9440
0572	The Justice Foundation	“Faces of Abortion”	General Counsel The Justice Foundation 8122 Datapoint Drive, Suite 812 San Antonio, TX 78229
0574	Siloam Church International		Siloam Church International 3695 Roosevelt Highway College Park, GA 30349
0581	Living Waters Foursquare Gospel Church	“Hands Reaching Out To You With Love”	Living Waters Foursquare Gospel Church P.O. Box 17251 Smithfield, RI 02917

APPENDIX B
Proposed Rules

The Federal Communications Commission proposes to amend Part 79 of Chapter I, Subchapter C, of Title 47 of the Code of Federal Regulations as follows:

1. Section 79.1(f) is amended to read as follows:

(f) *Procedures for exemptions based on economic burden.*

2. Section 79.1(f)(1) is amended to read as follows:

(1) A video programming provider, video programming producer or video programming owner may petition the Commission for a full or partial exemption from the closed captioning requirements. Exemptions may be granted, in whole or in part, for a channel of video programming, a category or type of video programming, an individual video service, a specific video program or a video programming provider upon a finding that the closed captioning requirements will be economically burdensome.

3. Section 79.1(f)(2) is amended to read as follows:

(2) A petition for an exemption must be supported by sufficient evidence to demonstrate that compliance with the requirements to closed caption video programming would be economically burdensome. The term “economically burdensome” means significant difficulty or expense. Factors to be considered when determining whether the requirements for closed captioning are economically burdensome include:

- (i) The nature and cost of the closed captions for the programming;
- (ii) The impact on the operation of the provider or program owner;
- (iii) The financial resources of the provider or program owner; and
- (iv) The type of operations of the provider or program owner.

4. Section 79.1(f)(3) is amended to read as follows:

(3) In addition to these factors, the petition shall describe any other factors the petitioner deems relevant to the Commission’s final determination and any available alternatives that might constitute a reasonable substitute for the closed captioning requirements including, but not limited to, text or graphic display of the content of the audio portion of the programming. The extent to which the provision of closed captions is economically burdensome shall be evaluated with regard to the individual outlet.

5. Section 79.1(f)(4) is amended to read as follows:

(4) An original and two (2) copies of a petition requesting an exemption based on the economically burdensome standard, and all subsequent pleadings, shall be filed in accordance with § 0.401(a) of this chapter.

6. Section 79.1(f)(10) is amended to read as follows:

(10) The Commission may deny or approve, in whole or in part, a petition for an economically burdensome exemption from the closed captioning requirements.

7. Section 79.1(f)(11) is amended to read as follows:

(11) During the pendency of an economically burdensome determination, the video programming subject to the request for exemption shall be considered exempt from the closed captioning requirements.