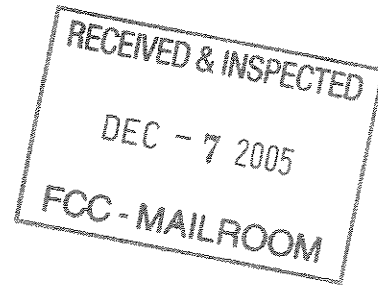


CGB-11-0021



December 2, 2005

Commissions Secretary
Office of the Secretary
Federal Communications Commission
Attention: CGB Room 3-B431
445 12th Street SW
Washington, D.C. 20554

RE: Undue burden due to the closed captioning rules found in 47 C.F.R. § 79.1(d)

My name is Victor LaBarbera. I am the sole proprietor of V Labar Productions. I produce thirty second television commercials for the local cable company in Rocky Mount, North Carolina. For two years I have produced a weekly thirty minute local television program entitled Live Action Wrestling. It is an independent professional wrestling organization in North Carolina that's success is based on it's television program. Live Action Wrestling currently airs on WRAX in Raleigh, North Carolina on Friday nights at 1:05 am. It also airs on WCTI-DT in New Bern, North Carolina on Saturday mornings at 10:30 am. The total operating cost of each television program is less than \$200. It has taken two years for the show to break even. The total cost of the equipment used to produce a show is less than \$7,000. This is an extremely low budget local sports entertainment program. I do the shooting, editing, and voice over commentary in less than four hours per episode. This is done in order to have a new episode each week. It's a hobby that I hope would make a profit by selling to a bigger company like the W.W.E. Inc. The closed captioning rule would shut down our television program and the Live Action Wrestling organization. We do not possess the equipment, time or money to have our program closed captioned. This television program has been a dream come true for so many of our wrestlers and adoring fans. The burden of this ruling would be far too great for an independent producer to take on. Please consider my request for exemption from the Commission's closed captioning rules for the Live Action Wrestling television program.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor LaBarbera".

Victor LaBarbera
V Labar Productions
110 Patrick Court
Suite A
Rocky Mount, NC 27804

March 2, 2006

Amelia Brown, Disability Rights Office
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

reference: CGB-CC-0021

RE: Undue burden due to the closed captioning rules found in 47 C.F.R. § 79.1(d)

The following documentation regarding finances and assets as it pertains to V Labar Productions and the television program "Live Action Wrestling". Is being provided in order to complete the petition for the Federal Communications Commission to be able to make a decision as to whether V Labar Productions and it's television program "Live Action Wrestling" may be granted exempt status based on the undue financial burden process described in Section 79.1(f).

Assets of V Labar Productions:

1 Panasonic AG-DV200 camera - used (\$3,000)
1 Canon DV5000 camera - new (\$5,300)
1 UVW400 Beta SP VTR - used (\$3,000)
1 Sony DSR-11 DV VTR - new (\$1,400)
1 Dell Computer - new (\$1,000)
Adobe software - new (\$300)
13" Panasonic color tv - new (\$150)
Panasonic DVD recorder - new (\$165)
1000W softbox light (\$150)
JVC VCR - new (\$65)

total assets **\$14,530**

This equipment has been purchased over the last three years with money from my retirement that I had been saving with my spouse for the last seven years, as well as with revenue from local television commercials that I began producing for Cox Cable in 2004. "Live Action Wrestling" is a weekly sports entertainment program in North Carolina that is 30 minutes in length. It airs on WRAX in Raleigh, North Carolina and WCTI-DT in New Bern, North Carolina. The America One Network has just begun airing the program in exchange for four minutes of commercial time.

2005 Expenses to produce Live Action Wrestling

Fed Ex	\$2,900
Tapes	\$2,421
Air Time	\$8,745

total expenses **\$14,066.00**

2005 Revenue from Live Action Wrestling

total revenue **\$15,953.38**

Live Action Wrestling 2005 net income **\$1,887.38**

"Live Action Wrestling" has been airing for three years. 2005 was the first year that it produced a profit. 2004 had a loss of over \$4,000. It takes a total of eight hours to tape, edit, produce, duplicate and ship an episode each week. That comes out to a rate \$4.54 per hour that is made on this television program.

In order for the "Live Action Wrestling" television program to provide closed captioning, V Labar Productions would need to purchase a machine that encodes text into line 21 of the video program. V Labar Productions has received quotes from various businesses that provide devices that create closed captioning for television programs. These devices start at \$3,000. V Labar Productions would also need to have written transcripts made of every episode of Live Action Wrestling each week. V Labar Productions has received quotes of \$250 per episode or per week. That cost exceeds the revenue of the television program. This fact alone proves that compliance to the closed captioning requirements would cause an undue financial burden to V Labar Productions and to the "Live Action Wrestling" television program.

"Live Action Wrestling" is a low budget, independently produced television program. The expenses for closed captioning would exceed the revenues generated by the television program. It is estimated that closed captioning could add an additional four hours of production time. V Labar Productions lacks the time, money or resources to provide closed captioning. The burden of this ruling would be far too great for an independent producer to take on. Please consider my request for exemption from the Commission's closed captioning rules for the "Live Action Wrestling" television program.

Sincerely,



Victor LaBarbera
V Labar Productions
110 Patrick Court
Suite A
Rocky Mount, NC 27804

State of Illinois
County of LaSalle

BEFORE ME, the undersigned Notary, Linda Shepherd
[name of Notary before whom affidavit is sworn], on this 3rd [day of month] day of
March [month], 2006, personally appeared
Victor LaBarbera [name of affiant], known to me to be a
credible person and of lawful age, who being by me first duly sworn, on his [his or her] oath,
deposes and says:

That I, Victor LaBarbera am owner of V Labar Productions and producer/editor
of the Live Action Wrestling Television program which is produced out of Rocky Mount,
North Carolina. V Labar Productions can not afford the costs associated with closed
captioning of the Live Action Wrestling Television program and seeks exemption based
on undue burden. The enclosed financial records of V Labar Productions are accurate
and truthful.

[set forth affiant's statement of facts]
[Signature]

[signature of affiant]

Victore Anthony LaBarbera

[typed name of affiant]

139 Deerfield Road Apt 1A

[address of affiant, line 1]

Deerfield, IL 60015

[address of affiant, line 2]

Subscribed and sworn to before me, this 3rd [day of month] day of March
[month], 2006.



Notary Seal:]
[Signature]

[signature of Notary]

Linda Shepherd

[typed name of Notary]

NOTARY PUBLIC

My commission expires: Oct 20, 2008.