

CGB-10-0088

**The Leadership Group
Newsmakers Productions, Inc.**

RECEIVED & INSPECTED
DEC 27 2005
FCC - MAILROOM

6300 Smithfield Street
Boston, PA 15135

(412) 751-8603
info@newsmakerstv.com

December 22, 2005

Commission Secretary
Office of the Secretary
Federal Communications Commission
Attention: CGB Room 3-B431

**SUBJECT: REQUEST FOR TEMPORARY EXEMPTION FROM CLOSED CAPTIONING
REQUIREMENTS, WITH SUGGESTED BENCHMARKS FOR EXPIRATION OF
EXEMPTION**

Dear Commission Secretary:

We hereby request a temporary exemption from closed captioning requirements for our television program, *Pennsylvania Newsmakers*, and propose benchmarks to be met before the exemption lapses, or a deadline of June 1, 2006.

There are several factors that lead us to request this exemption:

- 1) *Pennsylvania Newsmakers* is a weekly news analysis program produced for distribution to several television stations across Pennsylvania. Because of the timeliness of our subject matter, including analysis of pending legislation and regulation, political analysis, and other policy and political news, we require special equipment and services in order to caption the program as it is being taped. We would be unable to send our program to a captioning service without destroying its timeliness, and therefore its value to our sponsors. This need for quick captioning has revealed several difficulties:
 - a) The encoding hardware required for live analog captioning cannot be obtained before the January 1, 2006 deadline, due to the sudden demand for this equipment.
 - b) Our production studio has not yet learned how to solve several technical difficulties associated with the installation and operation of the equipment and electronic communication with a live captioning service.
- 2) We have researched captioning services and equipment, and the best prices we have found will add an estimated minimum of \$150 in captioning service fees and additional studio fees per half-hour episode, as well as a capital equipment expenditure of \$1,400. This amounts to a minimum of \$7,800 in captioning service and studio fees per year (52 episodes) plus the capital expenditure.
 - a) This cost, excluding the capital expenditure outlay, amounts to 3.6% of the gross revenues received by us from our sponsors for the production of the program in 2005. I have attached an income and expense statement for 2005 in a separate document. Also, my notes and e-mail correspondence will demonstrate the costs involved.

- b) Although we are not an airing station, and, as we were told verbally by FCC associate Amelia Brown on Monday, December 19th, 2005, that we are not subject to the self-implementing exemptions available to airing stations in Section 79.1(d), paragraph (11) Captioning expense in excess of 2% of gross revenues, of the Commission's rules, there are practical effects of the regulations that have put all the burden of captioning on us, and not our program distributors. These practical effects ought to make the self-implementing exemption applicable to us. They are:
- i) The distributor for two of our most important broadcast stations has not offered assistance in captioning our program before broadcast and has put the burden of captioning on us. I have attached copies of correspondence from Cornerstone Television Network, which airs our program on two Pennsylvania broadcast stations, demonstrating their requirement that we caption or they will not air us.
 - ii) We, who have been forced to bear the actual financial burden of captioning, would easily qualify for self-implementing exemptions if the rules recognized that the financial burden is in fact on us, and not our program distributors.
- 3) Our program distributor for two broadcast stations that air us, Cornerstone Television Network, has not helped provide captioning assistance, other than to recommend a captioning service to us. I have included our correspondence with them, in an attached document.
- a) Time is limited, and we have not yet had the opportunity to wrestle with Cornerstone Television to encourage them to provide us with more help for captioning.
- 4) We were not made aware of the need for captioning until very recently. Our program distributor, Cornerstone Television, very likely did receive all the appropriate communications and notices from the FCC, but as an independent producer, we are not made part of the communication stream. Cornerstone Television did not notify us that they will be requiring us to caption our program until several weeks ago.
- a) Nonetheless we have been making every effort to understand the requirements, learn the technical aspects of captioning and to solve all the logistical and financial challenges involved. I have attached a summary of the conversations I have had with two different captioning services, two different manufacturers of encoding equipment, two independent television studios in Pittsburgh, our dubbing house, our production studio in the Harrisburg area and with Cornerstone Television Network. I have also attached copies of related e-mail correspondence with the aforementioned firms and people.
 - b) In spite of our best efforts, we have not yet been able to acquire the equipment needed and solve the technical problems, although our efforts continue. Please refer to my summary of conversations with equipment manufacturers and captioning service providers which I have included in the supporting documentation for this petition.
- 5) Newsmakers Productions, Inc. is a very small, family-owned firm, whose profits provide a living for the family that owns it. We are literally a 'Mom and Pop', with my husband as Chairman, myself as the CEO, and our children doing scheduling, web site management, bookkeeping, audio clip production, etc.
- a) To stop airing the program, even temporarily, may seriously jeopardize our relationship with our sponsors, possibly losing us \$25,000-\$50,000 in revenue and damaging our reputation and ability to renew our sponsors. No documentation is available for this assertion, of course, since I hope to continue broadcasting uninterrupted without the need to concern my sponsors.
- 6) Newsmakers Productions, Inc. recognizes the importance of providing captioned programming and desires to solve the problems involved and caption our program, *Pennsylvania Newsmakers*, as soon as is possible.

December 23, 2005

To summarize, let me repeat that we do not request a complete exemption, but rather a temporary exemption, in order to keep the program operating and providing revenue to our family, while we solve our financial and technical challenges. To that end I propose that the following benchmarks both be met before the requested temporary exemption expires, in order to minimize the burden of compliance with the rules, and yet increase the amount of captioning available for our viewers:


Benchmark 1: We shall have raised at least \$5,000 in direct sponsorship of our captions. This will only cover half the cost of captioning services, and none of the capital expenditure, but we think we can consider it a reasonable beginning.

Benchmark 2: We shall solve the technical problems involved with live captioning, and shall have received delivery of a captioning encoder, and have properly installed it and prepared it for live captioning of our next program.

I request we be granted an exemption until we shall meet these benchmarks, or until June 1, 2006, whichever is first.

Thank you for your consideration.

Sincerely,



Susan Bowyer
CEO
Newsmakers Productions, Inc.

susan@newsmakerstv.com



Jerry Bowyer
Chairman
Newsmakers Productions, Inc.

jerry@newsmakerstv.com

Newsmakers Productions, Inc.
Revenue Statement for Pennsylvania Newsmakers
January 1, 2005 - December 20, 2005

	<u>Date</u>	<u>Amount</u>
Pennsylvania Newsmakers Underwriting		
1 yr limited		
	07/13/2005	25,000.00
	10/31/2005	25,000.00
	10/31/2005	<u>25,000.00</u>
Total 1 yr limited		75,000.00
1/4 year unde		
	03/02/2005	6,250.00
	05/16/2005	6,250.00
	05/31/2005	6,250.00
	08/29/2005	6,250.00
	10/06/2005	6,250.00
	10/17/2005	<u>6,250.00</u>
Total 1/4 year unde		37,500.00
1yr Underwrit		
	03/01/2005	30,000.00
	03/01/2005	35,000.00
	07/08/2005	<u>15,000.00</u>
Total 1yr Underwrit		80,000.00
Special Rate 1/2 Year		
	01/04/2005	<u>17,375.00</u>
Total Special Rate 1/2 Year		17,375.00
Underwriting - Other		
	01/04/2005	<u>6,250.00</u>
Total Underwriting - Other		<u>6,250.00</u>
		<u>216,125.00</u>

Captioning Expense Estimate

Most affordable captioning service: Aberdeen Captioning

	per episode	per year
live captioning fee	75.00	3,900.00
phone charges	4.80	<u>249.60</u>

Estimated Studio fees for JPL Productions

managing captioning	70.00	3,640.00
	<u>149.80</u>	<u>7,789.60</u>

Summary of Conversations and Correspondence Undertaken in an Attempt to
Comply with FCC Closed Captioning Requirements:
(arranged by contact, not chronologically)

Cornerstone Television Network, our program distributor:

- ~Nov 4, 2005, I had a phone conversation with the Program Director about other matters, and during that conversation she asked us if we knew all programs had to be captioned starting in January of 2006. This was news to us. She gave us the name and phone number of a captioning service, Aberdeen, but offered no other assistance. As you will see below, I immediately began to research the requirements and technical aspects of captioning.
- Early December, 2005, I had my next second conversation about captioning with Jolene, when she called to tell me that I either had to get her a letter of exemption from the FCC, or guarantee that our January 1st program will be captioned, or she will not be able to put it on the schedule. She was completing the January program grid that week, and she reminded me that they don't air a program if it is not on the grid. I told her I was making progress and would probably have the captioning done, but I haven't solved it yet. She warned me that none of the ministries she has talked to have been granted exemptions. I told her I haven't attempted to get an exemption, because I didn't want to avoid captioning.
- The rest of our communication occurred via e-mail, which is included in the supporting documents for this petition.

Independent television studios in Pittsburgh:

- Early November, 2005—I called an independent studio in my area and talked with Mike S about other matters, and also asked him what he knew about captioning. He said he knew of only one captioning service and would try to remember their name, and would e-mail it to me. He later sent the name and phone number for Vitac.
- Early November, 2005—I spoke with a second independent television studio in Pittsburgh and spoke with Ron about closed captioning, asking him what he knew. He did not know much, but also recommended I talk with Vitac.

Becky, from Aberdeen, a closed-captioning service:

- Nov. 7, 2005 I called Becky and had a phone conversation with her, who advised me that we probably need to purchase a \$3,000-\$5,000 encoder, plus two phone lines (maybe with 800 numbers). They can dial in and caption a half hour program live, for \$75 per program. She also mentions that we may want to invest in a digital encoder now so we can do digital programs sometime in the future.
- Extensive e-mail conversation ensued (included in the supporting documents for this petition.)

Vitac, another closed captioning service:

- 11/14/05 I called Vitac, and had a phone conversation with Kelly there about captioning and what was required. Kelly took some information, and indicated she would have Darrin get back to me about requirements.
- 11/16/05 I had a phone conversation with Kelly and Darrin, in which they indicated they would be very 'stretched' to do live captioning in 2006 and it may not be able to do it live at all. They suggested technical alternatives, including that we create an MPeg1 version of our show and post it on their FTP site the afternoon after taping, then they could create an offline captioned file and e-mail it back to us. Caption encoding software would be no-charge, but we'll need an encoder. Low-end encoder costs about \$3,000. Cost (1) would be caption preparation--\$150 per half-hour show for two-day minimum turnaround, but may be able to work something out. Plus cost (2) would be encoding internally \$95 including blank tape stock. Turnkey cost per show is about \$245 if they are doing everything. They also advised us of their understanding of FCC captioning regulations for

100% captioning in 2006, and that they understand that local broadcasters are passing the requirements down to the producers of the programs.

- 11/23/05 Kelly sent me an e-mail with more information on captioning rates.

Our attorneys:

- Dec 5-20th, I had a series of phone and e-mail conversations with our attorneys, in which I asked them to study the regulations and help us understand them and whether and to what extent they apply to us.

Dave S., who runs the dubbing house that makes dubs of our master program and ships them to the airing stations:

- Nov 16, 2005 I called Dave and told him about the captioning requirement and my conversations with Aberdeen and Vitac, and brainstormed solutions with him. I acknowledged that there would be additional fees from him for managing this process.
- Most of our subsequent conversation occurred in e-mails, which are included in the supporting documents for this petition.

Ultech, an encoding hardware manufacturer:

- December 14th, 2005, I called Ultech and had a conversation with Mark who told me Ultech can't help us. Their encoder, Instacap, can't do live captioning, its cost is \$3,195. He has another system called the CaptionMic system, \$7,695 including computers, which might be able to do it. He suggested the PCE845 from Link Electronics might be better, for \$1,200. It is an analog encoder with the ability to attach a modem externally

Link Electronics, another encoding hardware manufacturer:

- December 14th, 2005, I had called Link Electronics and had a conversation with Bob, who explained that there is an encoder plus software for \$3,000 where you must script the program first and put it into a text file, tag the script line by line and place it into the program electronically. We'll need a time code generator and maybe a DVD copy as a working copy. He suggested a better solution would be the PCE845D, for \$1,200 plus an external modem that they configure and connect for \$200 more, and two phone lines. He said encoders are all on back-order and would certainly not get to us in time for our January programming.

Our Studio:

- Nov 8, 2005, I called our studio and told my liaison, Mike, that I heard we will be required to caption. I asked him if he knew anything about the regulations or technical aspects of captioning, but he did not. This was new information to him, too. He said he would look into things for me.
- Most of the rest of our communications about captioning have occurred in e-mail, most of which are included in the supporting documents for this petition.
- Mid-December, 2005—I and my dubbing house spoke by phone to Mike about the logistics of captioning, and our opinion that it would be better done at our studio live during tapings, rather than at our dubbing house after the show is taped, at a scheduled time for 'live' encoding. I acknowledged to Mike that he would have to charge us additional fees for their assistance with captioning. They have not been able to give me a cost estimate yet, so for this petition I estimated their fees to be about \$70 per episode. This may be very conservative. (Note for the record: Another crew member may be required for this.)

Amelia Brown at FCC:

- Monday, Dec 19th, I had a brief conversation with her in which she explained to me the reason the language *seems* to say we are eligible to claim the self-exemption but we are not in fact eligible. Further advice and information was difficult to get from her.

Susan Bowyer

From: Becky [REDACTED]
Sent: Wednesday, December 14, 2005 2:53 PM
To: susan@newsmakerstv.com
Subject: RE: nice talking to you

The price is \$4.80 for a 30-min program that includes both lines:

Thanks,
Becky

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Wednesday, December 14, 2005 11:40 AM
To: becky [REDACTED]
Subject: RE: nice talking to you

What would you have to charge us, do you think, if you had to make a toll call?

Susan Bowyer

From: Becky [REDACTED]
Sent: Wednesday, December 14, 2005 12:02 PM
To: susan@newsmakerstv.com
Subject: RE: nice talking to you

We do need to call into you on the line to connect to the modem, and it is best to call into you for the audio line as well. We can do calling cards OR charge you for the phones. Calling cards change their prompts often so it does bring about some hassles.

Let me know,
Becky

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Wednesday, December 14, 2005 8:10 AM
To: becky [REDACTED]
Subject: RE: nice talking to you

Becky,

We're making progress. I have a technical question that I anticipate my studio will ask: You had mentioned that we need two toll-free phone lines, and I am trying to figure out how to make that happen without actually calling the phone company and installing them. The studio no-doubt has many phone lines already. What options do we have: Can we call in to you? Can I give you a calling card number? Other ideas?

Thanks!

Susan Bowyer

From: Becky [REDACTED]

12/22/2005

Sent: Friday, December 09, 2005 6:34 PM
To: susan@newsmakerstv.com
Subject: RE: nice talking to you

Susan,

Just touching base to see if we can assist you with your captioning needs. I look forward to hearing from you.

Becky

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Thursday, November 17, 2005 1:46 PM
To: becky [REDACTED]
Subject: RE: nice talking to you

Sure!

Pennsylvania Newsmakers: <http://www.newsmakerstv.com/>. Click on the 'past shows' link.
WorldView: <http://www.newsmakersgroup.com/worldview.html>. Click on the 'program list' link.
Focus on the Issues: <http://www.newsmakerstv.com/foti/>. Click on the 'past shows' link.

Susan Bowyer

From: Becky [REDACTED]
Sent: Thursday, November 17, 2005 4:37 PM
To: susan@newsmakerstv.com
Subject: RE: nice talking to you

Susan,

The email with the links went to my "junk email" and then got accidentally permanently deleted. Will you please reemail those.

Thanks!
Becky

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Wednesday, November 16, 2005 4:23 PM
To: becky [REDACTED]
Subject: RE: nice talking to you

Ok—makes sense! Talk to you in the morning.

Susan Bowyer

From: Becky [REDACTED]
Sent: Wednesday, November 16, 2005 7:04 PM
To: susan@newsmakerstv.com
Subject: RE: nice talking to you

Susan,

will give you a call in the morning. The additional cost for sending us the tape is that we are using our in house decks and encoder to create the master for you.

Thank you,
Becky

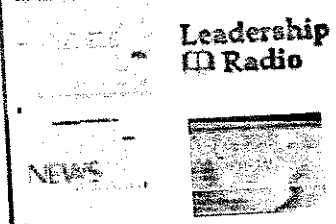
From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Wednesday, November 16, 2005 3:14 PM
To: becky [redacted]
Subject: RE: nice talking to you

Yes, let's talk about it sometime tomorrow, if you have the time. A quick question, though: Why would the cost to send you the tape for captioning be \$175, but the cost for live captioning is only \$75? If that's the case, I would try to make the live captioning work.

The difficulty with the live captioning for all three shows is that they are not all produced at the same place, so the one encoder doesn't necessarily do the trick for us. But let's talk tomorrow!

Susan Bowyer

The Leadership Group
www.newsmakersgroup.com
~~112 757 8685 phone~~
susan@newsmakerstv.com



From: Becky [redacted] [mailto:becky@cap.com]
Sent: Wednesday, November 16, 2005 5:57 PM
To: susan@newsmakerstv.com
Subject: RE: nice talking to you

Answers are below: ..

Becky,

Sorry I didn't get back to you sooner—we've been swamped here. I have a couple of questions for you:

1. would captioning have to happen while we are taping, or could someone play the tape for you at some appointed time with the phone hookups while a captioner types the captions in?
Yes, an arranged time weekly works just the same.
1. What would it cost if I mailed our beta tapes to you and had you caption them before mailing them back? (This might be the best option for some of our programs—we produce 3 tv shows in all, and only one of them needs the quick turn-around that the live captioning gives us. The other two can wait a few days.)
We could do it in the same live format that we would do dialing into you for \$175, but if

you are going to buy the caption encoder and have the phone lines it would be most cost effective still dialing into you and captioning them at a scheduled time weekly. If you wanted complete post-production captioning, meaning the transcript is created 100% accurate and then the captions are synced with the audio and moved around graphics, final captioning is quality checked and then final master is created we could do this as well the cost is \$300 per program, tape stock is included.

I can discuss this further if you have any questions.

Thank you!
Becky

Thanks!

Susan Bowyer

From: Becky [REDACTED]
Sent: Monday, November 07, 2005 9:20 PM
To: susan@newsmakerstv.com
Subject: RE: nice talking to you

Susan,

Sorry for the delay in getting back to you. To review our conversation this morning it sounds like captioning is the best solution for captioning your programs. The cost for this would be \$75 per program plus phone line charges. Our captioner would dial into line 1 to send the captioning information as they would receive the audio of the program on line 2.

The encoder companies we work with are:

Encoder purchase information: Ultech - www.ultech.com - (888)360-0010
Link - www.linkelectronics.com - (573) 334-4433

The encoder that I was stating has the ability to load a caption file to it is the DigitalITV Injector by Ultech.

I will be more than happy to answer any further questions, and we look forward to working with you.

All the best,
Becky [REDACTED]

Aberdeen Captioning, Inc.
22362 Gilberto, Suite 230
Rancho Santa Margarita, CA 92688

Please visit our informative website www.abercap.com

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Monday, November 07, 2005 9:46 AM
To: becky [REDACTED]
Subject: nice talking to you

Becky,

Thanks for getting me started on this captioning issue and for offering to send me some links to further information. You can click the link below and go to the 'television' section to see the shows we produce.

Thanks again!

Susan Bowyer

The Leadership Group
www.newsmakersgroup.com

[REDACTED]

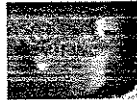
[REDACTED]

[REDACTED]

susan@newsmakerstv.com



Leadership
Radio



Susan Bowyer

From: Belferman, [REDACTED]
Sent: Tuesday, December 13, 2005 3:36 PM
To: 'susan@newsmakerstv.com'
Subject: RE: CC exemption

Okay. Thanks.

-----Original Message-----

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Tuesday, December 13, 2005 1:11 PM
To: 'Belferman, Jofene'
Cc: Jerry Bowyer
Subject: RE: CC exemption

Yes. Our lawyers are looking into it, and we are also making arrangement to get the captioning equipment if the exemption doesn't pan out.

Susan Bowyer

From: Belferman, Jolene [REDACTED]
Sent: Tuesday, December 13, 2005 12:45 PM
To: 'susan@newsmakerstv.com'
Subject: RE: CC exemption

Hi Susan, I just opened this email. I guess by now you have received other emails regarding the FCC comments regarding this self-implemented exemption. Let me know if you didn't. Thanks Susan.

-----Original Message-----

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Tuesday, December 13, 2005 9:07 AM
To: 'Belferman, Jolene'
Cc: [REDACTED]
Subject: RE: CC exemption

Jolene,

Please pass our thanks on to Dede. We have been traveling for the past several business days, so I wasn't able to respond to you before this morning.

Yes, we will have our letter to you by your deadline.

Have a very happy Christmas!

Susan Bowyer

From: Belferman, Jolene [REDACTED]
Sent: Friday, December 09, 2005 10:34 AM
To: 'susan@newsmakerstv.com'
Subject: RE: CC exemption

Hi Susan, Dede has decided to leave PA Newsmakers on the grid for Jan. She hopes you will have the letter to us before Jan. 7th. Do you think that will be possible? Or, do you plan to have a closed captioned show to Tony by Jan.4th? Either one will be fine. Thanks Susan.

-----Original Message-----

From: Susan Bowyer [mailto:susan@newsmakerstv.com]

Sent: Tuesday, December 06, 2005 3:15 PM

To: 'Belferman, Jolene'

Cc: [REDACTED]

Subject: RE: Washington Times' Tony Blankley and Entrepreneur Glen Meakem, on WorldView this week

Jolene,

We will probably have a letter for you soon from our lawyer explaining our qualification for an automatic exemption. This is different from the letter from the FCC which you are speaking of-what we will provide is an explanation that we meet the standards the FCC has outlined for automatic self-exemption in section 79.1(d) of the Commission's rules. These are *automatic* exemptions, and do not require Commission approval.

What I think you have been hearing about is probably organizations who do not qualify for self-exemption, but who are seeking *hardship exemptions*, which do require FCC approval. That is why they need a letter-they don't meet the self-exemption criteria.

I'll keep you posted.

Susan Bowyer

From: Belferman, Jolene [REDACTED]

Sent: Tuesday, December 06, 2005 10:52 AM

To: 'susan@newsmakerstv.com'

Subject: RE: Washington Times' Tony Blankley and Entrepreneur Glen Meakem, on WorldView this week

Good morning Susan. We are about to set the January schedule. Any word about the closed captioning for PA Newsmakers? Will it be closed captioned by Jan 5th? This is the date Tony Roth needs to receive it by. I'll wait to hear from you Susan. Thanks.

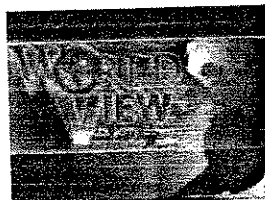
-----Original Message-----

From: Susan Bowyer [mailto:susan@newsmakerstv.com]

Sent: Friday, December 02, 2005 10:41 AM

To: Susan Bowyer

Subject: Washington Times' Tony Blankley and Entrepreneur Glen Meakem, on WorldView this week



Tony Blankley, Editorial Page Editor for the Washington Times and author of "The West's Last Chance: Will We Win the Clash of Civilizations" talks with Glen Meakem, Chairman and CEO of the Meakem Company, and Jerry Bowyer about the crisis we face in our struggle with militant Islam, and what we need in order to survive.

Airing Schedule:

The program will be broadcast this Saturday, December 3rd at 4:30 pm and Sunday, December 4th at 11:00 am on the Cornerstone Television Network.

[Click here](#) for descriptions of past shows, and to view our *video archive*.

[Click here](#) for a listing of Cornerstone stations in your area.

[Click here](#) to watch the show live online.

For inquiries about *WorldView with Jerry Bowyer*, please contact Executive Producer Susan Bowyer, [REDACTED] (susan@newsmakerstv.com.)

Susan Bowyer

From: Belferman, Jolene [REDACTED]
Sent: Tuesday, December 13, 2005 9:35 AM
To: 'susan@newsmakerstv.com'
Cc: Hayes, Dede
Subject: RE: Closed Captioning Exemption

Thank you Susan for your quick reply.

It is unfortunate that PA Newsmakers does not qualify under this category. I spoke with Emilia Brown yesterday at the FCC. I thought that would be a good one for PAN too. She said that Cornerstone Television is considered the "video programming provider." She referred me back to the definitions in the "Rule and Order." It seems that "distributor" and "provider" both refer to the distributor, which as you know is Cornerstone Television. Therefore, we will not be able to accept that self-implementing exemption.

Perhaps PAN would qualify for the "Undue Burden" exemption. Please call Emilia Brown at the FCC. Her phone number is 202.418.2799. She could explain it to you as she did to me, and perhaps help you find another exemption.

Blessings,
Jolene

-----Original Message-----

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Tuesday, December 13, 2005 9:13 AM
To: 'Belferman, Jolene'
Subject: RE: Closed Captioning Exemption

Sure, Jolene. It is:

(11) **Captioning expense in excess of 2% of gross revenues.** No video programming provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues received from that channel during the previous calendar year.

Susan Bowyer

From: Belferman, Jolene [REDACTED]
Sent: Monday, December 12, 2005 12:23 PM
To: Susan Bowyer (E-mail)
Subject: Closed Captioning Exemption
Importance: High

Hi Susan,

I found the self-implementing exemptions in Sec. 79.1 (d) that you were referring to.

Could you please let us know which exemption (which number of 1-13) you are claiming for PA Newsmakers?

I have a call in to the FCC to find out the procedure for us as the broadcaster, so it would help to know the specific exemption. Thanks.

Jolene Belferman,
Assistant to Dede Hayes, Director of Programming

[REDACTED]
www.ctvn.org <<http://www.ctvn.org>>

Cornerstone TeleVision Network

1 Signal Hill Dr., Rt. 48

Wall, PA 15148-1499

[REDACTED]
[REDACTED]

The LORD is my strength and song, and He has become my salvation...Exodus 15:2

Susan Bowyer

From: Susan Bowyer [susan@newsmakerstv.com]
Sent: Tuesday, December 20, 2005 10:58 AM
To: 'Mike Isbell'
Subject: RE: FCC

Thanks!

Susan Bowyer

From: Mike [REDACTED]
Sent: Tuesday, December 20, 2005 10:27 AM
To: susan@newsmakerstv.com
Subject: RE: FCC

Haven't heard...I have another meeting today...I'll let you know.

Mike [REDACTED] *Client Services Manager*
[REDACTED]

-----Original Message-----

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Tuesday, December 20, 2005 10:20 AM
To: Mike [REDACTED]
Subject: RE: FCC

I only heard from Cornerstone in Pittsburgh and Altoona and they need either captioning or a letter from the FCC stating we are exempt. I don't know [REDACTED]'s position yet, or any of the cable outlets. W [REDACTED] has asked about captioning, but not stated their intention.

I honestly don't know what to expect yet. This is badly written legislation—they say the tv stations are responsible to caption, but the real fact is that the stations can deny our show, but they seem to be the only ones eligible for exemptions.

How do things look technically?

Susan Bowyer

From: Mike [REDACTED]
Sent: Tuesday, December 20, 2005 9:59 AM
To: susan@newsmakerstv.com
Subject: RE: FCC

Have any of your outlets specified that they will deny your program?
Can we work on a "ramp up time". Or extension?

Mike [REDACTED] *Client Services Manager*
[REDACTED]

-----Original Message-----

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Monday, December 19, 2005 10:26 AM
To: Mike [REDACTED]
Subject: FCC

Mike,

I just talked to them. Apparently the tv stations are the ones who are required to caption, and the exemption language applies to them and not to us, but the stations have the right to refuse our program if we aren't captioned. Looks like we're stuck.

I will file for an undue burden exemption just to see, but the long and short of it is that we almost certainly need to caption.

Susan Bowyer



CEO, Newsmakers Productions, Inc.

[REDACTED]

www.newsmakerstv.com

susan@newsmakerstv.com

Pennsylvania Newsmakers seen across the state on these television stations:

www.newsmakerstv.com/coverage.php

Focus on the Issues in Western PA on Cornerstone Television

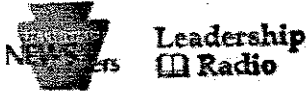
Susan Bowyer

From: Susan Bowyer [susan@newsmakerstv.com]
Sent: Thursday, December 15, 2005 10:50 AM
To: 'Mike' [REDACTED]
Subject: RE: Captioning

Mike, I just sent you everything I could think of. Call me if you are looking for something else.
A conference call would be terrific. I am pretty flexible, except for most Wednesday afternoons.

Susan Bowyer

The Newsmakers Leadership Group
www.newsmakersgroup.com
[REDACTED]
susan@newsmakerstv.com



From: Mike [REDACTED]
Sent: Thursday, December 15, 2005 10:04 AM
To: susan@newsmakerstv.com
Subject: Captioning

Susan – please send me the technical info on the "encoder" solution you found, as well as the service you contacted. Also, please send me the FCC contact you spoke with. If you want to schedule a conference call with them, let me know ... I've got a real full schedule till the end of the year, but we can squeeze in a phone call!

Mike [REDACTED] *Client Services Manager*

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Susan Bowyer

From: Susan Bowyer [susan@newsmakerstv.com]
Sent: Tuesday, November 08, 2005 9:34 AM
To: 'Mike' [REDACTED]
Subject: RE: closed captioning

Thanks. I'll take a close look at this.

Susan Bowyer

From: Mike [REDACTED]
Sent: Tuesday, November 08, 2005 9:29 AM
To: susan@newsmakerstv.com
Cc: [REDACTED]
Subject: closed captioning

Here's what I found on the FCC site.

http://www.fcc.gov/cgb/dro/captioning_regs.html

LOOKS LIKE the stations are responsible... but there is a 100% compliance rule in effect as of January 2006.

You may want to check with [REDACTED] or your other outlets... to see what they will require as of 2006... we will check on our end too, as we produce commercials for broadcast as well.

Mike [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BEST PLACES to work in **PA** 2002
2003
2004

Susan Bowyer

From: Susan Bowyer [susan@newsmakerstv.com]
Sent: Friday, November 04, 2005 5:01 PM
To: 'Mike [REDACTED]'
Subject: RE: captioning

Thanks!

Susan Bowyer

From: Mike [REDACTED]
Sent: Friday, November 04, 2005 4:16 PM
To: susan@newsmakerstv.com
Subject: RE: captioning

Tempo Captioning
Dave Evans
[REDACTED]

Mike [REDACTED] Client Services Manager
[REDACTED]

-----Original Message-----

From: Susan Bowyer [mailto:susan@newsmakerstv.com]
Sent: Friday, November 04, 2005 4:00 PM
To: Mike [REDACTED]
Subject: captioning

Mike, do you know where we can get Newsmakers closed captioned?

Susan Bowyer

Newsmakers

CEO, Newsmakers Productions, Inc.
[REDACTED]
[REDACTED]
[REDACTED]

www.newsmakerstv.com

susan@newsmakerstv.com

Pennsylvania Newsmakers seen across the state on these television stations:

www.newsmakerstv.com/coverage.php

Focus on the Issues in Western PA on Cornerstone Television

Message

Susan Bowyer

From: Belferman, [REDACTED]
Sent: Tuesday, December 13, 2005 9:38 AM
To: Susan Bowyer (E-mail)
Cc: Hayes, Dede
Subject: FW: Closed captioning

Susan,

Amelia (not Emilia) sent this. Maybe it will help. Also, when I said "Rule and Order" it seems I should have said "Report and Order."

GB

Jolene

-----Original Message-----

From: Amelia Brown [mailto:Amelia.Brown@fcc.gov]
Sent: Monday, December 12, 2005 5:48 PM
To: [REDACTED]
Subject: Closed captioning

Ms. Belferman:

This email follows up on our conversation about the closed captioning rules, found at 47 CFR 79.1.

I suggest you take a look at the following links for some useful information on closed captioning. The 1997 FCC Report & Order established the closed captioning rules, which Congress mandated in 1996, and in the 1998 Reconsideration Order, the FCC reconsidered some aspects of the rules it adopted in the 1997 Report & Order.

Those Orders are found at:

<http://www.fcc.gov/Bureaus/Cable/Orders/1997/fcc97279.txt>

http://www.fcc.gov/Bureaus/Mass_Media/Orders/1998/fcc98236.pdf

Paragraphs 176-181 of the 1997 Order (first link) include information about the contract issue we discussed. Paragraphs 27-30 of this Order include information regarding responsibility for ensuring closed captioning.

If you are not already aware of them, the following links provide useful information on closed captioning and exemptions from the rules. The first link is to the rule itself. Section 79.1(d) contains self-implementing exemptions from the closed captioning rules, and section 79.1(f) contains a process whereby you may petition for an exemption if you believe that closed captioning would impose an undue burden.

Discussion about the undue burden petition standard and process is found in paragraphs 182-205 of the 1997 R&O (first link), and paragraphs 108-112 of the 1998 Reconsideration Order.

Hopefully the information contained at these links will be helpful.

http://www.fcc.gov/cgb/dro/captioning_regs.html

<http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>

http://www.fcc.gov/cgb/dro/caption_exemptions.html

Message

<http://www.fcc.gov/cgb/dro/caption.html>

I encourage you to share this information with any of your colleagues in the video programming production or distribution chain.

Amelia Brown
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission

[Add Emotion Icons to your Emails](#)



[Click Here](#)

RECEIVED & INSPECTED
FEB 17 2006
FCC - MAILROOM

AFFIDAVIT

I, Susan Bowyer, hereby declare that I am the CEO of Newsmakers Productions, Inc. I further declare that all the information contained in and attached to the Newsmakers' petition to the FCC dated December 22, 2005 (Case Identifier Number ~~06B-CC-0088~~) is true and correct to the best of my actual knowledge.

Date: 2/14/06

Susan Bowyer
Susan Bowyer

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 14 DAY
OF February, 2006.

Martene Walker
Notary Public

Notarial Seal
Martene Walker, Notary Public
City Of McKeesport, Allegheny County
My Commission Expires Dec. 31, 2006
Member, Pennsylvania Association Of Notaries