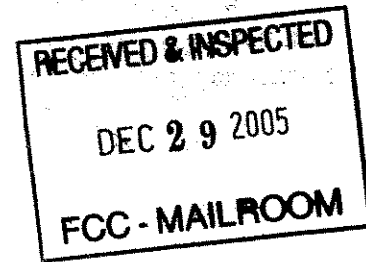


CGB-CC-0108



CALVARY

COMMUNITY CHURCH



Federal Communications Commission
445 12th St. S. W.
Washington, DC 20554

To Whom It May Concern:

The purpose of this letter is to request a waiver from the new FCC closed caption requirements taking effect January 1, 2006.

We are a non profit, evangelical church in Phoenix, AZ. We produce a weekly, ½ hour teaching program called "Grace Upon Grace" for local broadcast on KPPX channel 51. This program is a community service/outreach and we do not recoup even the costs of production or placement, which, beginning 1/1/06, will be \$2,000 a week in broadcast fees alone.

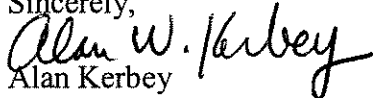
In investigating cost alternatives, we have found that live captioning is much less expensive than offline captioning. (in one quote \$80 to \$300 respectively) Unfortunately the station that airs our program does not have the encoding equipment or dedicated phone line necessary to make live captioning an option.

We have a small full time staff in our Media Department that is already struggling to keep up with radio, TV and internet production deadlines. At present, we are trying to offer the previous week's message each Sunday, so this gives us a very short production window to be able to edit, post produce and deliver a new program by the following Friday. Adding the new step of captioning ourselves or sending the program out to a service would make this schedule impossible.

We believe that, under present conditions, these factors would combine to meet the FCC standard of an "undue burden" on our resources and staff.

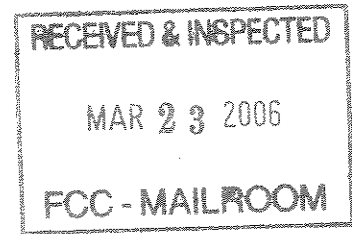
We thank you for your time and consideration.

Sincerely,


Alan Kerbey

Calvary Community Church- Media Administrator

Office of the Secretary
Federal Communications Commission
Attn: CGB Room 3-B431
445 12th St. S. W.
Washington, DC 20554



To Whom It May Concern:

I have been in communication with Amelia Brown from the Disability Rights Office in regards to the new Closed Captioning Requirements and she has let me know that our Petition for an Undue Burden waiver did not include sufficient information for an FCC judgement.

I am including my original letter and new information that I hope will satisfy the requirements of the petition process.

From a page on the FCC website titled "Exemptions to the closed captioning requirements on the basis of undue burden" I will attempt to reply to the bullet points under "factors the commission will consider when determining whether the requirements for closed captioning impose an undue burden".

1) **The nature and cost of the closed captioning for the programming.**

The program is a ½ hour Christian teaching outreach recorded live at our church (Calvary Community Church in Phoenix AZ). I contacted several captioning services and I have included an e mail from one of these listing prices for offline captioning. There is a second, less costly alternative, live captioning, but this is not available to us because the station that broadcasts our program does not have the appropriate encoder necessary to handle live captioning. As you can see from the quote, our cost per program would be \$325 + blank media and shipping costs. For 52 programs this would be \$18,000 + per year. On your website the phrase "undue burden" is defined as "significant difficulty or expense". We believe \$18,000 per year constitutes significant expense.

2) **The impact on the operation of the provider or program owner**

Because we are a church, a non profit organization, and all the money that comes in is from donations, spending decisions are often based on a determination of where the money can benefit the most people in the cause for Christ. Adding \$18,000 to the production costs of our weekly TV program may result in the decision to cancel the program. This would impact negatively the people who possibly can't get to church and rely on it each week to be fed the Word of God. Also the purpose of this broadcast/outreach is to present relevant teaching messages in a timely fashion that are in line

with what is being taught each Sunday at the church. We attempt to create a new program each week so that the previous week's teaching is on the air the following Sunday. Sending out the program for closed captioning would add at least a week to this schedule.

3) The financial resources of the provider or program owner including efforts to solicit captioning assistance from distributors of its programming and the distributors' responses

Please refer to the included statement of support, revenues and expenses. We cannot solicit assistance from distributors because we have none. The program airs on 1 local station, and is produced at the church.

4) The type of operations of the provider or program owner

We are a non profit, Evangelical Christian church. We do not have advertisers to defray the production and broadcast costs of making and airing the program. It is an outreach, a public service.

Alan Kerbey
Calvary Community Church- Media Administrator
12612 N. Black Canyon Hwy.
Phoenix, AZ 85029
akerbey@calvaryphx.com

Document 2

Al Kerbey

From: Neil Worthingham [neil@captionmax.com]
Sent: Monday, December 19, 2005 11:04 AM
To: 'Al Kerbey'
Subject: RE: captioning

Good morning Al,

The rates for the closed captioning of your program would be:

Each 30:00 episode-
\$225 - Caption creation (transcribing, timing, and placing the captions)
\$100 - Encoding CC master tape
\$325 - Total

Rates do not include shipping or tape stock for the CC master. Our turnaround time would be about 3-4 business days.

This is for "offline captioning." There is also "realtime" captioning which is captioning while the program is being broadcast. The broadcast facility would need to have a caption encoder that can receive captioning data via a phone line and insert the captions into the video stream. That caption data would be coming from a captioner using a stenographers keyboard. Let me know if that might be an option and I can give you more details.

Thanks Al, let me know if you have any other questions.

-Neil

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

From: Al Kerbey [mailto:AKerbey@CALVARYPHX.com]
Sent: Sunday, December 18, 2005 7:39 PM
To: neil@captionmax.com
Subject: captioning

Neil

I was referred to you by Lisa Leids. We are facing meeting the new FCC requirements for our weekly 1/2 hour program "Grace Upon Grace"

Please let me know what the costs would be for you to close caption our program and what kind of turnaround we could expect.

Thank you for your time
Al Kerbey
Calvary Community Church Media Dept

**CALVARY COMMUNITY CHURCH
STATEMENT OF SUPPORT, REVENUES AND EXPENSES - MODIFIED CASH BASIS
FOR THE MONTH AND TWELVE MONTHS ENDED DECEMBER 31, 2005**

	CURRENT PERIOD	YEAR-TO-DATE
<u>SUPPORT & REVENUES</u>		
GRACE UPON GRACE	873.20	11,212.61
HATS & T-SHIRTS	50.00	1,579.61
HIGH SCHOOL	374.46	4,341.45
JR HIGH SCHOOL	20.00	4,038.43
MANNA MINISTRY	145.00	7,104.00
MARRIAGE COUNSELING	0.00	2,361.16
CALV KIDS MENTORING/MATCH POINT	1,580.31	41,531.26
MEMORIAL SERVICES	75.00	3,913.25
MEN'S MINISTRY	0.00	1,671.95
MISC. MINISTRIES	0.00	4,043.41
PRISON MINISTRY	370.00	4,509.00
RADIO MINISTRY	745.00	16,425.00
SDA OUTREACH	93.75	5,521.57
SINGLES MINISTRY	261.95	792.19
TAPE MINISTRY	1,458.55	22,135.01
<u>EXPENSES</u>		
MISSION	4,804.71	107,138.81
OUTREACH	43,303.20	424,329.16
BOOKSTORE	32,366.14	528,680.41
COFFEE SHOP	14,304.16	168,037.75
BUILDING	87,184.01	663,368.51
GENERAL MINISTRY	62,214.16	654,343.71
ADMINISTRATIVE	663,612.94	1,569,759.08
PAYROLL AND RELATED	169,367.21	1,625,125.27
SALE OF ASSETS	38,885.00	(639,276.52)
TOTAL EXPENSES	303,118.00	5,101,506.18
TOTAL SUPPORT EXCESS/ (DEFICIT)	499,098.29	2,057,484.92

SEE ACCOMPANYING ACCOUNTANTS COMPILATION REPORT

CALVARY COMMUNITY CHURCH
SUPPORTING SCHEDULES - SUPPORT, REVENUES AND EXPENSES
FOR THE MONTH AND TWELVE MONTHS ENDED DECEMBER 31, 2005

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>
MISSION EXPENSES		
AFRICAN MISSIONS	0.00	51,250.00
AGAPE YOUTH RANCH	0.00	800.00
BARKLEY, CHARLOTTE	0.00	1,500.00
BENTLEY, WES	250.00	3,000.00
CHUBIK, JOHN & KAREN	150.00	1,800.00
CLAYCAMP, MICAH - UKRAINE	150.00	150.00
FOREIGN	(368.00)	209.60
GOSPEL FOR ASIA	2,000.00	25,395.00
HICKS, HEATHER - HARVEST	75.00	1,275.00
HONDURAS MISSIONS	0.00	4,342.14
KANOUSE, JUDY, MARK & GERRY	200.00	2,400.00
LECOMPTE, DAVID	200.00	2,400.00
MEXICO	(128.92)	4,140.44
JESUS HOUSE - RON MILLER	300.00	3,600.00
STAPLES, SUSAN - THAILAND	150.00	1,800.00
TROUT, PAUL	0.00	1,250.00
YOCOPIA, MIA - THAILAND	1,826.63	1,826.63
TOTAL MISSION EXPENSES	<u>4,804.71</u>	<u>107,138.81</u>
OUTREACH EXPENSES		
BOOKS	14,795.85	41,463.91
COUNSELING :	250.00	4,190.00
CONCERTS & OUTREACH	0.00	3,888.95
HOMELESS	0.00	662.32
MANNA MINISTRY	0.00	1,130.36
CALV KIDS MENTORING/MATCH POINT	3,166.63	25,182.43
MISC LOCAL MINISTRY	829.43	20,034.94
PERSONAL AID	3,116.37	49,355.55
PRISON MINISTRY	0.00	2,119.13
RADIO MINISTRY	13,946.94	131,125.67
SDA EXPENSES	381.27	11,565.20
TAPE MINISTRY	5,685.24	59,143.23
TV BROADCAST FEES	0.00	70,999.40
WITH CHILD	0.00	2,200.00
NON-CASH ITEMS	1,131.47	1,268.07
TOTAL OUTREACH EXPENSES	<u>43,303.20</u>	<u>424,329.16</u>

SEE ACCOMPANYING ACCOUNTANTS COMPILATION REPORT

GENERAL AFFIDAVIT

State of Arizona
County of MARICOPA

BEFORE ME, the undersigned Notary,
MARIELAINE AMERINE [name of Notary before whom
affidavit is sworn], on this 14th [day of month] day of MARCH
[month], 2006, personally appeared
ALAN KERBEY [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:

I ATTEST TO THE TRUTH AND ACCURACY
OF THE ATTACHED DOCUMENTATION

DOCUMENT / ATTACHMENT 1
DOCUMENT / ATTACHMENT 2
DOCUMENT / ATTACHMENT 3

[set forth affiant's statement of facts]

Alan W. Kerbey
[signature of affiant]

ALAN KERBEY
[typed name of affiant]

[address of affiant, line 1]

2934 W SIERRA ST. PHOENIX, AZ 85029
[address of affiant, line 2]

Subscribed and sworn to before me, this 14th [day of month] day of
March [month], 2006.



Marielaine Amerine
[signature of Notary]

MARIELAINE AMERINE
[typed name of Notary]

NOTARY PUBLIC

My commission expires: AUGUST 28th, 2006.