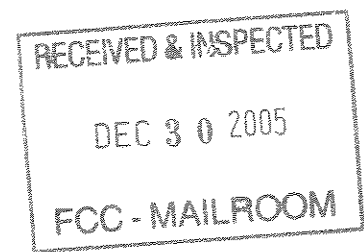


CGB-CL-0162



Office of the Secretary
Federal Communications Commission
Attention: CGB Room 3-B431
445 12th St. SW
Washington , DC

Petition for Exemption from Closed Caption Requirements

Maurice Fontenot / Susan Melton Fontenot
DBA Outdoor Adventures Productions
1019 Shady Lane
Westlake, La 70669
337 439-4063 ph
337 439-0033 fax
Email: Outdoor@communicomm.com

Introduction

Outdoor Adventures Productions is the dba (doing business as) name used by Maurice Fontenot and wife, Susan Melton Fontenot. Outdoor Adventures Productions, is a home based business and was started in 1993 for the purpose of producing and airing outdoor fishing and hunting shows about Southwest Louisiana, as well as doing other non broadcast video projects. There are no employees and the business is running entirely by Maurice and Susan Fontenot, which is treated as a sole proprietorship. Outdoor Adventures Productions also produces industrial safety and training videos. The television program currently produced by Outdoor Adventures is a 30 minute outdoor program called BAYOU COUNTRY OUTDOORS, and is hosted by Susan Melton Fontenot and Maurice Fontenot. The program is advertiser supported and is delivered to KPLC Ch 7 television station as a complete program including commercials. We buy the time block used to air the show. We pay for one air time per week, 6 AM on Saturdays, and receive one additional air time at no charge, 4 am on Tuesdays. Outdoor Adventures Productions has a modest video production studio, with the minimal of production equipment. Maurice Fontenot and Susan Melton Fontenot doing business as Outdoor Adventures Productions here by petitions for exemption from the closed captioning requirements under Section 79.1 (d) (2 & 12).

Nature and Cost of Closed Captions

Notification to Outdoor Adventures Production from KPLC TV 7 about the requirements and the exemptions available were received on Dec 22, 2005. With the Christmas and New Years Holidays information about available services and equipment has been hard to get. One company has responded to our request for rate quotes. Video Caption Corporation, responded with a verbal quote, by telephone, of \$200 per episode plus tape and shipping cost. Aberdeen Captioning had an online brochure listing rates from \$7 to \$16 per minute. (included as an exhibit) No specifics were given for the rate variances. Sub titles will not be accepted by KPLC TV, so that option was not investigated. As to the purchase of equipment to do the closed captioning in house at Outdoor Adventures Productions, none of the companies contacted have yet to return our inquiries. Modesto Junior College's web site listed a grant where the necessary equipment to do close captions was purchased for \$5,000. That is also included in the exhibits.

Impact on the Operation of the Program Producer

For the year 2004, our total advertising revenue for the program BAYOU COUNTRY OUTDOORS and other events totaled \$74, 425. The cost of producing and purchasing air time for those 52 programs was \$45,370. A net profit of \$29,055. Other video non broadcast production work grossed \$29, 099. Of that \$18, 263 were expenses related to those non broadcast production projects. Net profit was \$10, 792. Profit after other related business expense was \$15,772 for 2004. To add

closed caption to our aired programs would cost \$15,600 per year, which constitutes 54% of our profit from the program. (averaged cost at\$300 per week x 52 weeks) To require closed caption for aired programs produced by Outdoor Adventures Productions dba Maurice Fontenot / Susan Melton Fontenot would place an undue burden on the business and them personally. The only choice would be to stop producing the program and find other sources of income.

Other Sources of Income

The sole source of income for the program's production and purchasing of air time, to air that program, comes from advertisers buying advertising time on the program. Because we must purchase air time that has limited availability, we must also compete with much larger corporations, with greater buying budgets, for that air time. We must also be competitive , in price, with the very television station selling us the air time for potential advertising clients. Our advertising prices are as high as they can go and still be competitive. To add the additional cost of closed captions would drive our rates beyond the reach of many of our present clients and price us out of the competitive market. We are a small for profit business so seeking assistance from grants is not an option.

Type of Operation of the Program Owner

Our Business is television and video production and advertising sales. We deliver our advertising sales thru the television program BAYOU COUNTRY OUTDOORS. Our television and video production income is based around video services provided to local industry. We also do graphic video design and event production. Both are on a limited basis and listed as part of our production income.

Other Relevant Factors

Outdoor Adventures Production is a home based business and is a DBA of Maurice Fontenot and Susan Melton Fontenot, located in Southwest Louisiana. On Sept. 23 -24, 2005, we were in the direct path of Hurricane Rita. Lake Charles, Westlake and Sulphur, La experienced the full force of the storm and the most destruction. Most homes and businesses were damaged (ours included) and many totally destroyed. Most businesses are operating with only 50 - 70% of the their normal staff of employees and are dealing with reduced business hours. We have our studio back in operation and have been able to resume airing programs. But like our clients we are still struggling to get things back to full strength. The television station, KPLC, where we air our programs, was also directly effected. For what ever reason the legal department of the corporate owners of KPLC TV did not inform the local station employees of the Jan. 1, 2005 mandate about closed captions until the week of Dec. 19, 2005. Our sales rep notified us at noon on Dec. 22, 2005 about what was needed from us. (provide closed captions after Jan. 1, 06 or a filed exemption) With the Christmas Holidays it wasn't until Dec. 27, 2005 that we received the necessary documents to file for the exemption. Additional cost documentation, we may have otherwise, will be missing.

Conclusion

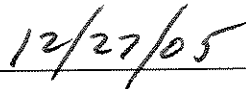
Outdoor Adventures Productions totally supports the closed caption concept and can see where programmers with the proper resources can both benefit the viewers and their clients. With time and new resources we may be able to add close captions in the future. However, the recent natural disaster of Hurricane Rita and the limited size of Outdoor Adventures Productions, compels Maurice Fontenot / Susan Melton Fontenot, dba, Outdoor Adventures Productions to request an exemption to providing closed captions as an undue hardship and that Outdoor Adventures Productions fall under the \$3 million dollar a year income level. As per the requirements und Section 79.1 (d) (2 & 12).

Declaration:

I, Maurice Fontenot, am co-owner, of Outdoor Adventures Productions, and have reviewed the Petition for Exemption for Closed Captioning filed on behalf of Maurice Fontenot and Susan Melton Fontenot, doing business as, Outdoor Adventures Productions, in this matter, and upon information and belief, believe the statements regarding our organization and BAYOU COUNTY OUTDOORS, to be true and accurate.



Maurice Fontenot Co-owner



Date

Schedule:

Outdoor Adventures Productions produces and provides only one program for broadcast or otherwise. That program is BAYOU COUNTRY OUTDOOR, which airs on KPLC Ch 7, on Saturdays at 6AM and Tuesdays at 4AM each week.

**SCHEDULE C
(Form 1040)**

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2004

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service

▶ Partnerships, joint ventures, etc., must file Form 1065 or 1065-B.

▶ Attach to Form 1040 or 1041. ▶ See instructions for Schedule C (Form 1040).

Name of proprietor
Maurice Fontenot

Social security number (SSN)
[REDACTED]

A Principal business or profession, including product or service (see page C-2 of the instructions)
Television Advertising and Video Production Services

B Enter code from pages C-7, 8, & 9
▶ 5 | 4 | 1 | 8 | 0 | 0

C Business name. If no separate business name, leave blank.
Outdoor Adventures Productions

D Employer ID number (EIN), if any

E Business address (including suite or room no.) ▶ **1019 Shady Lane, Westlake, La. 70669**
City, town or post office, state, and ZIP code

F Accounting method: (1) Cash (2) Accrual (3) Other (specify) ▶

G Did you "materially participate" in the operation of this business during 2004? If "No," see page C-3 for limit on losses Yes No

H If you started or acquired this business during 2004, check here

Part I Income

1	Gross receipts or sales. Caution. If this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, see page C-3 and check here <input type="checkbox"/>	1	103,524
2	Returns and allowances	2	
3	Subtract line 2 from line 1	3	
4	Cost of goods sold (from line 42 on page 2)	4	2643
5	Gross profit. Subtract line 4 from line 3.	5	
6	Other income, including Federal and state gasoline or fuel tax credit or refund (see page C-3)	6	
7	Gross income. Add lines 5 and 6	7	100881

Part II Expenses. Enter expenses for business use of your home **only** on line 30.

8	Advertising	8		19	Pension and profit-sharing plans	19	
9	Car and truck expenses (see page C-3)	9	5280	20	Rent or lease (see page C-5):	20a	
10	Commissions and fees	10		a	Vehicles, machinery, and equipment	20b	
11	Contract labor (see page C-4)	11		21	Repairs and maintenance	21	638
12	Depletion	12		22	Supplies (not included in Part III)	22	
13	Depreciation and section 179 expense deduction (not included in Part III) (see page C-4)	13		23	Taxes and licenses	23	175
14	Employee benefit programs (other than on line 19)	14		24	Travel, meals, and entertainment:	24a	1423
15	Insurance (other than health)	15		a	Travel		
16	Interest:			b	Meals and entertainment		511
a	Mortgage (paid to banks, etc.)	16a	1680	c	Enter nondeductible amount included on line 24b (see page C-5)		
b	Other	16b		d	Subtract line 24c from line 24b	24d	511
17	Legal and professional services	17		25	Utilities	25	1836
18	Office expense	18		26	Wages (less employment credits)	26	
28	Total expenses before expenses for business use of home. Add lines 8 through 27 in columns	28		27	Other expenses (from line 48 on page 2)	27	73566
29	Tentative profit (loss). Subtract line 28 from line 7	29		28		28	85109
30	Expenses for business use of your home. Attach Form 8829	30		29		29	15772
31	Net profit or (loss). Subtract line 30 from line 29. • If a profit, enter on Form 1040, line 12, and also on Schedule SE, line 2 (statutory employees, see page C-6). Estates and trusts, enter on Form 1041, line 3. • If a loss, you must go to line 32.	31		30		30	
32	If you have a loss, check the box that describes your investment in this activity (see page C-6). • If you checked 32a, enter the loss on Form 1040, line 12, and also on Schedule SE, line 2 (statutory employees, see page C-6). Estates and trusts, enter on Form 1041, line 3. • If you checked 32b, you must attach Form 6198.			31		31	15772
				32a	<input type="checkbox"/> All investment is at risk.		
				32b	<input type="checkbox"/> Some investment is not at risk.		

Part III Cost of Goods Sold (see page C-6)

33 Method(s) used to value closing inventory: a Cost b Lower of cost or market c Other (attach explanation)

34 Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation Yes No

35 Inventory at beginning of year. If different from last year's closing inventory, attach explanation	35	
36 Purchases less cost of items withdrawn for personal use	36	0
37 Cost of labor. Do not include any amounts paid to yourself	37	
38 Materials and supplies	38	2643
39 Other costs	39	
40 Add lines 35 through 39	40	2643
41 Inventory at end of year	41	0
42 Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on page 1, line 4	42	2643

Part IV Information on Your Vehicle. Complete this part only if you are claiming car or truck expenses on line 9 and are not required to file Form 4562 for this business. See the instructions for line 13 on page C-4 to find out if you must file Form 4562.

43 When did you place your vehicle in service for business purposes? (month, day, year) ▶ 7 / 2 / 2001

44 Of the total number of miles you drove your vehicle during 2004, enter the number of miles you used your vehicle for:
 a Business 14812 b Commuting c Other 6348

45 Do you (or your spouse) have another vehicle available for personal use? Yes No

46 Was your vehicle available for personal use during off-duty hours? Yes No

47a Do you have evidence to support your deduction? Yes No
 b If "Yes," is the evidence written? Yes No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30.

programming air time	14300
bank charges	870
telephones	2424
shipping postage	182
show production	31070
projects production	18263
props used in production	4157
out source studio work	2300
48 Total other expenses. Enter here and on page 1, line 27	73566

MJC receives grant to close caption distance learning videos

The California Community College Chancellor's Office (CCC Live Caption Project) has awarded a new grant to Modesto Junior College for \$112,876.94 to close caption the videos used for the college's distance learning classes. Close captioning will benefit the deaf and hard of hearing populations and will also make these materials more accessible to ESL students and students with various learning styles.

The grant money will be used as follows: \$21,600 for RapidText live captioning for distance education, \$3,300 for equipment to allow captioning of online education courses, \$81,000 for the replacement/captioning of currently non-captioned videos that are checked out by students through the MJC Library and \$5,000 for video production equipment and software to allow closed captioning of future videos produced by MJC.

"MJC is committed to providing equal access to media and education, and to creating a campus environment in which all students enjoy, without discrimination or bias, the same facilities, programs and services," said Nancee Carrillo, alternate media specialist for MJC, and the staff member coordinating and writing the grant application. "This grant will take MJC a step closer to achieving our accessibility goals," she commented.

During the grant application process, Carrillo collaborated with MJC staff members Wes Page, John Chappell, Jim Clarke, Sue Adler and Linda Occhipinti. For more information on the new grant contact Carrillo at (209) 575-6671.

Aberdeen Captioning

Committed to the WORD

Aberdeen Captioning is a full-service captioning company. Our goal is to establish an ongoing, long-term, working relationship with you. We are dedicated to providing you with exceptional service and 100 percent satisfaction guarantee.

Give us a call!

WHY CAPTION?

Other than having to comply with the FCC mandate that requires the following number of broadcast hours to be captioned per day: 10 hours as of 1/1/02, 15 hours as of 1/1/04 and 20 hours as of 1/1/06, captioning is the only way the deaf are able to become a more complete part of the entertainment industry. The National Association of the Deaf reports that more than 28 million Americans have a hearing loss. Captioning your program can potentially increase your audience by **10 percent**.

Captioning a program reaches beyond the deaf and hearing-impaired. Over 30 million people are learning English as a second language, 27 million adults are improving their literacy skills and 10 million elementary school children are learning to read. Captioning helps them all improve their language skills.

Don't miss this giant opportunity to reach over 93 million Americans!!!

POST-PRODUCTION

Post-production captioning is the process of transcribing a program's dialogue and placing it into a new master tape in the form of open captions, closed captions or subtitles.

Closed Captions (roll-up or pop-on) [cc]
A decoding device is required to open these captions for viewing. Captions are recorded on line 21 of the tape and are made visible by using a decoder. All televisions, 13 inches or larger, built after 1993 are required to have a built-in decoder.

Open Captions (roll-up or pop-on)
Open captions look identical to closed captions but no decoding device is required to view these captions. The captions are "burned" into the video tape allowing captions to be visible whenever the video is played.

Subtitles
Subtitling differs from open or closed captioning by the way that it is presented on the screen. It appears in upper and lower case letters and can appear in various colors and fonts. It is also "burned" into the video and visible at all times.

Webcasts and Video CDs

A caption file is created from an encoded video. The caption file is synchronized with the video and played on Windows Media Player, Quick Time or Real Player.

DVDs

A single DVD disk can contain subtitles in up to 32 different languages. Subtitles can be produced in every language, using any Windows TrueType font. A DVD disk can also contain closed captions in up to six languages: English, Spanish, French, Portuguese, German and Dutch.

REAL-TIME (LIVE) CAPTIONING

Real-time captioning is the process of transcribing a program's dialogue, with an accuracy rate of at least 98 percent, and making the text immediately viewable. This is used for live presentations and live television broadcasts...

- * Newscasts
- * Corporate Meetings
- * Public Events
- * Sporting Events
- * Conventions
- * Church Services

POST-PRODUCTION PROCESS

What do I need to do?

- * Send master tape along with a blank tape
- * Provide correct spelling of all proper names and technical words within the program

What will I receive?

- * You will receive 2 tapes: your original master and a copy of the master with captions encoded
- * A transcript in a text file e-mailed to you
- * 100 percent satisfaction guarantee!

REAL-TIME (LIVE) PROCESS

- * Provide correct spelling of all proper names and technical words within the program
- * For local events, provide a space and video feed for our onsite captionist
- * For on-air broadcasts, you will need an onsite encoder and 2 phone lines: one for our captionist to dial into the encoder and one for our captionist to listen to the audio

PRICING

The below pricing is a general guideline. A specific quote will be given with your complete project details.

Roll-up Captions

\$5 - \$13/video minute - \$200 minimum

Pop-on Captions or Subtitles

\$7 - \$16/video minute - \$200 minimum

Webcasts, DVD, Video CD, Foreign Language

Call for pricing

PRICE INCLUDES:

- * Verbatim transcription of your video
- * Already have a verbatim transcript? Deduct \$2/min
- * VHS approval copy (upon request)
- * Normal turnaround of 5-10 business days
- * Transcript in a text file e-mailed to you
- * Volume discounts available

Live Captioning

Long-term contracts \$115 - \$135 / hr.
Single event \$250 / first hr.
\$200 / additional hr.