

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

In the Matter of

Kent Hrbek Outdoors, Inc.)
)
For Exemption from the)
Closed Captioning Requirements)
Section 79.1 of the Commission's Rules)

RECEIVED

DEC 30 2005

Federal Communications Commission
Office of Secretary

To: Marlene Dortch, Secretary
Attn: Consumer and Governmental Affairs Bureau, Disabilities Rights Office
Federal Communications Commission

PETITION FOR EXEMPTION

Pursuant to §79.1(f) of the Commission's Rules and Regulations, 47 C.F.R. §79.1(f), Kent Hrbek Outdoors, Inc. ("KHO"), by its attorney, hereby respectfully requests an exemption from the closed captioning requirements of the Commission's Rules and Regulations. In support thereof, it is alleged:

I. PRELIMINARY STATEMENT

1. KHO is a small, family-owned operation. It has four partners, each owning 25% of the stock, and each representing a different family. It has three fulltime employees and one part-time employee. KHO produces a weekly television program, one-half hour in length titled, "Kent Hrbek Outdoors." Presently, nine television stations are carrying "Kent Hrbek Outdoors."

2. On average, the program produces revenues of approximately \$46,000.00 per month. However, KHO has business debt, arising from the startup of the business, in the sum of \$525,000.00. Servicing this business debt constitutes one of the principal expenses of KHO.

II. REASONS FOR EXEMPTION

3. Section 79.1(f)(2) of the Commission's Rules requires a petitioner for exemption to submit evidence to demonstrate compliance with the following factors:

“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. The term ‘undue burden’ means significant difficulty or expense. Factors to be considered when determining whether the requirements for closed captioning impose an undue burden 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.”

Each of these factors will be discussed, below.

4. Considering first the nature and cost of closed captions for the programming, KHO has investigated this matter and has determined that the cost of having the caption added by a company that does that work would amount to approximately \$15,600.00 per year. This, however, is only the beginning of the cost. Couriers would have to be used to carry the weekly tapes to the company that does the dubbing; employees would have to be engaged to handle the paperwork associated with the closed captioning. This paperwork includes the costs of handling this service as an account payable and the costs of making sure that each program carries the required closed captioning. KHO estimates that it might well be necessary to add an additional

employee to the payroll. Right now, KHO has only three fulltime employees, so this would increase the payroll costs of the company by 33%.

5. The next factor to be considered is the impact on the operation of the provider or program owner. Here again, this is a small company with only three fulltime employees. KHO seriously doubts whether the existing three employees could handle all of the paperwork, transportation, courier services, and other burdens associated with closed captioning. Almost certainly, an additional employee would have to be engaged.

6. The next factor is the financial resources of the provider or program owner. At present, KHO provides its programs to nine television stations. These television stations generate gross revenues of approximately \$46,000.00 per month, for a total of \$552,000.00 per year. However, practically all of those revenues are already spoken for, in terms of debt service, payroll, and the salaries of the four partners in the ownership group. Adding another \$30,000.00 or so for the cost of closed captioning would seriously reduce the income of the partners.

7. Finally, the last factor to be considered is the type of operations of the provider or program owner. In this case, KHO produces a weekly program devoted to hunting and fishing. KHO does not doubt that some hearing impaired persons would watch the program if it were closed captioned. However, the program is not unique. There are numerous other hunting and fishing programs which are available to the hearing impaired, with closed captioning.

III. CONCLUSION

8. We have shown that KHO is a very small business, owned by four families. We have shown that the costs of adding closed captioning to the company's television programs would constitute an extreme, onerous burden. We have also shown that the programming

offered by KHO, *i.e.*, a hunting and fishing show, is not unique – there are other hunting and fishing shows which have closed captioning.

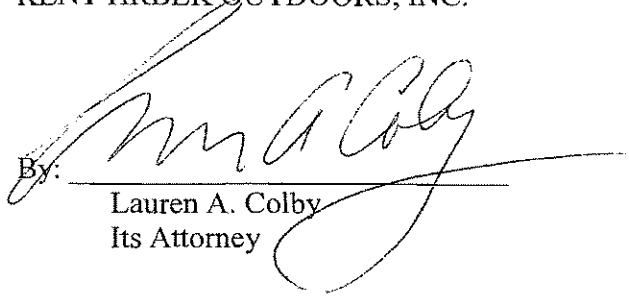
9. Therefore, we have demonstrated compliance with all of the factors specified in §79.1(f) of the Commission’s Rules and Regulations. Accordingly, KHO should be issued an exemption from the closed captioning requirements.

Respectfully submitted,

December 30, 2005

KENT HRBEK OUTDOORS, INC.

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

By: 
Lauren A. Colby
Its Attorney

STATE OF MINNESOTA

)

:

ss.

COUNTY OF FILLMORE

)

DECLARATION

Eric Gislason hereby declares under penalty of the laws of perjury that the following is true and correct:

I. I am the Vice President of Kent Hrbek Outdoors, Inc. I have carefully reviewed the foregoing Petition for Exemption, prepared by legal counsel. I hereby certify that the facts set forth in said Petition for Exemption are true and correct.

Further declarant sayeth not.

ERIC GISLASON, VICE PRESIDENT

Dated: December 30, 2005

By:

