

CGB-CC-0421

ORIGINAL

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February 3, 2006

VIA HAND DELIVERY

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Attn: CGB Room 3-B431

RECEIVED

FEB - 3 2006

Federal Communications Commission
Office of Secretary

Re: Petition for Exemption from Closed Captioning Requirements

Dear Ms. Dortch:

Cornerstone Church (Assemblies of God), Inc. ("Petitioner"), by its counsel, hereby requests an exemption from the closed captioning rules for its program, InFocus on the basis of undue burden, pursuant to § 79.1(f) of the Commission's rules. Attached hereto is an affidavit attesting to the facts set forth below in support of this petition.

Introduction

Petitioner is a non-profit ministry located in Madison, Tennessee. InFocus consists of segments from Petitioner's weekly services, edited to fit a 30-minute format, and it airs at 10 a.m. on Sundays in the Nashville, Tennessee market. The purpose of this programming is to

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share and spread Petitioner's fellowship and teachings to the area viewing audience; it contains no solicitations for financial contributions.

Undue Financial Burden Imposed by Closed Captioning Requirement

To provide closed captioning for InFocus, Petitioner reports that it must spend \$275 per episode, for a total of \$14,300, annually.¹ Attached hereto, as Exhibit A, is Petitioner's 2005 Annual Report ("Report"), which contains an itemized depiction of Petitioner's current financial position. Expenses for programming (TV Ministry) totaled \$166,655.92 in 2005; closed captioning alone accounted for approximately 8.5% of this amount.² Because Petitioner is a non-profit entity, all income not put toward operating costs or repayment of existing liabilities must be reinvested into the organization's mission. Therefore, any funds currently spent on closed captioning are being diverted away from its outreach, ministry and charitable work. Petitioner traditionally allocates a significant amount of its revenues for missions, as demonstrated by both the 2005 total mission expenditures of \$1,300,183.92 and the target 2006 mission expenditures of \$1,440,146.00.³ While closed captioning makes up a small fraction of outreach costs, it is comparable to the amount spent for construction of a church in Kenya, one of Petitioner's unique mission projects.⁴ Moreover, the programming itself generates no revenue, as it airs without

¹ Petitioner has made a good-faith effort to provide captioning for all programming aired since January 1, 2006, to comply with the requirements under the newly-implemented Section 79.1(b)(1)(iv) of the Commission's rules.

² See Report at 3.

³ See Report at 2-3.

⁴ See Petitioner's Web site, available at <http://www.cornerstonenashville.org/section.aspx?page=prayer> (last visited January 31, 2006).

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advertising sponsorship, and all production costs are borne by Petitioner as a service to the public.

Other factors that contribute to burden on Petitioner

Beyond the financial burden imposed on Petitioner, providing captioning also negatively impacts the timing of Petitioner's production process. Petitioner uses a captioning service located in Baltimore, due to the unavailability of any such service in its community or region. As a result, Petitioner must complete its editing well enough in advance of the scheduled broadcast to have time to ship it to the captioner, allow a period for transcription, dubbing to the appropriate format and delivery of the program to the broadcaster. Not only does the additional step in production increase the risk of delayed broadcast, it limits production flexibility and heightens the possibility for damage to or loss of the programming material.

Additional Information

Petitioner is sensitive to the needs of its hearing-impaired viewers and, as a reasonable alternative to closed-captioning, proposes to include a sign-language interpretation of its content as an insertion at the bottom corner of each program. This could be accomplished in-house, at a much lower cost and in less time than is currently demanded by closed captioning.

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Conclusion

As demonstrated above, providing closed captioning for InFocus creates an undue burden for Petitioner, and therefore, the Commission should grant a waiver of the closed captioning requirements under Section 79.1(f) of its rules. If more information is needed, please contact the undersigned.

Respectfully Submitted,

Cornerstone Church (Assemblies of God), Inc.



Joseph M. DiScipio, Esq.
Sima N. Chowdhury, Esq.

Its Counsel

Date: February 3, 2006

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EXHIBIT A

See attached.

Statement of Revenue & Expense - 2005 (Un-audited)

Income

General Fund	\$5,469,332.00
Designated Income	1,215,545.00
Other Income	483,277.00
Total Income	7,168,154.00
Draw on Construction Loan	3,419,167.00
Revenue from All Sources	\$10,587,321.00

Operating Expenses

Administration	\$763,289.00
(Utilities, Office Expenses, Maintenance)	
Reaching	1,300,183.92
(Missions/Outreach-All Departments)	
Serving	2,048,778.00
(All Wages, Insurances, & Payroll Taxes)	
Training	648,640.00
(Christian Education, Seminars, Youth, Children's Church, Men's and Ladies' Ministries, Keenagers)	
Worship	183,504.00
(Music Ministry, Special Services)	
Interest	821,353.00
Total Operating Expenses	\$5,765,747.92

Asset Expenses

Bank of America	\$322,783.00
Building & Improvements	138,033.00
Construction in Progress	3,524,568.00
Equipment	8,202.00
Furniture & Fixtures	11,573.00
Land Improvements	2,984.00
Total Asset Expenses	\$4,008,143.00
Total Expenses	\$9,773,890.92
Excess Revenue/Expenses	\$813,430.08

Liabilities & Net Assets (Un-audited)

Current Liabilities

Accounts Payable.....	\$45,712.00
Accrued Interest Payable.....	47,990.00
Long Term Debt (Net of Current Portion)	13,288,337.00

Total Current Liabilities.....\$13,382,039.00

Current Net Assets

Cash & Cash Equivalents	\$1,350,871.00
Accounts Receivable	4,213.00
Prepaid Expenses.....	12,052.00
Land & Buildings.....	24,724,688.00
Equipment & Furniture	814,941.00
Transportation Equipment	115,771.00
Less Allowance for Depreciation.....	(3,611,064.00)

Total Current Assets \$23,411,482.00

Total Net Assets \$10,028,443.00

Giving Goal - 2006

Administrative (Utilities, Office Expenses, Maintenance)	\$1,118,082.00
Reaching (Missions/Outreach All Departments)	1,440,146.00
Serving (All Wages, Insurances, Payroll Taxes).....	2,510,944.00
Training (Christian Education, Seminars, Youth, Children's Church, Men's and Ladies' Ministries, Keenagers).....	1,053,800.00
Worship (Music Ministry, Special Services)	228,100.00
Interest/Debt Reduction	1,196,098.00

Total Expenses \$7,547,080.00

Total Giving Goal for 2006..... \$7,596,951.00

Foreign Missions

Africa Missions	382,931.03
Asia Little Ones	10,800.00
Columbian Children's Ministry	1,000.00
John Bailey (New Guinea)	240.00
Philip Barber (Ecuador)	160.00
David Bartholow (Kenya)	3,000.00
Dustin Bartholow (S. Asia)	600.00
Danny Bass (Kenya)	240.00
Greg Beggs (Kenya)	16,300.00
Dale & Janice Brueggemann (Eastern Europe/Balkans)	180.00
Donald & Jacque Cartledge (Chile)	1,200.00
Harold Cole (Philippines)	180.00
Patrick Collins (Kenya)	300.00
Jay Covert	300.00
CYM Missions Trip #2 (Mexico)	25,844.72
David R. Dohm (MAPS)	240.00
Roland & Judy Dudley (Western Europe)	600.00
Michael & Sheila Fitzgerald (Iceland)	3,840.00
Ron Hansen (Kenya)	600.00
Kendra Harber (Cambodia)	240.00
Healthcare Ministries	180.00
Keith Hudman (East Africa)	240.00
India	240.00
Keith & Christl Jones (Middle East/N. Africa)	3,200.00
Kirk Jones (Panama)	900.00
Ocell & Martha Jones (Western Europe)	120.00
Bill Kuerst (Kenya)	600.00
Roger Kuykendall (Africa)	800.00
Nathan Lambarth (Belize)	175.00
Light for the Lost	70.00
Maurica Lednicki	1,000.00
Michael & Melanie Lutes (Mongolia)	100.00
Lloyd & Maria Marsh, Jr. (Bolivia)	480.00
Steve McCarty (El Salvador)	180.00
Mike McClaffin (Africa)	5,640.00
Kevin McGee (Kenya)	1,200.00
Ron McManus (Equip)	240.00
J.D. Middlebrook (Kenya)	6,000.00
Chuck Ness (Kenya)	80.00
Olive Branch (International)	70.00
Panama	231.00
Jason Parnell (Bosnia)	789.65
Michael & Ranay Powell (Mexico)	240.00
Ben Roberson (Asia)	180.00
Gary Pyatt (Jamaica)	75.00
Edgar & Janora Reed (Congo)	1,940.00
Kim A. Robineite (Central Asia)	240.00
Kelly & Cynthia Robineite (Cambodia)	3,240.00
Byron & Diane Salmon (MAPS)	600.00
John Sayre	300.00
Bernie & Brenda Smith (Togo)	70.00
Kenneth M. & Terry Smith (Latin America)	240.00
Abe Sobczak (Cambodia)	1,200.00
Speed the Light	120.00
	77,862.01

Foreign Missions Continued

Leonard & Diane Stitt	480.00
Flamon & Wanda Talley (Ecuador)	600.00
Dave Thompson (Kenya)	400.00
Ray Trask (Thailand)	120.00
Thomas Trask	480.00
Tsunami Victims	5,000.00
Mark & Anita Van Gorp (IMM/Eurasia)	240.00
Stewart Vanarsdale (Global University)	300.00
Terry & Deborah Waisner (Thailand)	1,200.00
Thomas & Phyllis Wheeler (Indonesia)	720.00
Wayne & Marie Wilson (Mexico)	200.00
James Wright (Northern Asia)	300.00
Erik Yergler (Philippines)	120.00
Total Foreign Missions Expense	\$567,576.41

Home Missions

James Becker (Chi Alpha)	120.00
Benevolence	33,775.62
BGMC	5,719.85
Kendall Bridges (Maps)	6,000.00
Calvary Fellowship (Johnson City)	1,000.00
Central Bible College	300.00
Christmas Offering	21,177.93
Convoy of Hope	120.00
Cornerstone Worship Center	657.00
CYM Missions Trip #1 (Pawcatuk, CT)	3,999.69
Christopher Davis (Chi Alpha)	100.00
Shawn Galvin (Chi Alpha)	25.00
Allan Garrison	5,000.00
Gideons	5,000.00
Global Network (Orlando, FL)	5,000.00
David Grant (Evasia)	15,000.00
J.D. Hightshoe (Halix Worship Center)	250.00
Homeless Ministry	15,504.90
Hurricane Katrina	31,249.32
Hurricane Rita	5,000.00
LA Inner City Church	600.00
Media Outreach	120,156.91
Men's Ministry Outreach	97.13
Mission of Mercy	724.39
Nashville Teen Challenge	110.00
Todd Nelson (Franklin, TN)	4,267.50
New Life Corporation	50.00
Northridge Church	16,467.96
Prison Ministry	834.97
Southwestern Assemblies of God University	412.90
Spring Hill Church	6,300.00
Summer Life Church	6,464.00
Tape Ministry	5,558.69
Thanksgiving Offering	10,000.00
TN District A/G	238,725.83
David A. Tucker (Chi Alpha)	180.00
TV Ministry	166,635.92
Total Home Mission Expense	\$732,605.51

Total Missions Expense

Total Missions Expense \$1,300,183.92

2005 Kingdom Victories at Cornerstone

Salvations	651
Rededications	369
Water Baptisms	245
Holy Spirit Baptisms	339

2005 Kingdom Victories from Africa Missions

Teams/Trips to Africa	2
Churches Physically Built	17
Churches Financially Built	17 roofs
Plots of Land Purchased	20 plots
Salvations	over 500

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EXHIBIT B

See attached.

AFFIDAVIT

I, Dana Lawson, am Chief Financial Officer of Cornerstone Church, and I have reviewed the attached Petition for Exemption for Closed Captioning Requirements on the basis of Undue Burden, filed on behalf of Cornerstone Church. Upon information and belief, I find the statements regarding our organization and infocus to be true and accurate and I affirm that the pctition complies with the requirements set forth in Section 79.1(f) of the Commission's rules.



Dana W. Lawson, CFO

1-31-06
Date