

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

In the Matter of)	
)	
Ray Slone, Jr.)	CGB-CC-0448
)	
Petition for Exemption from the)	CG Docket No. 06-181
Closed Captioning Requirements)	

MEMORANDUM OPINION AND ORDER

Adopted: July 16, 2015

Released: July 16, 2015

By the Deputy Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. In this Memorandum Opinion and Order (Order), we address a petition filed by Ray Slone, Jr. for an exemption from the Federal Communications Commission’s (FCC’s or Commission’s) closed captioning requirements for his program, *Cruise ’n with E-Rider*. Because we conclude that Mr. Slone has demonstrated that that his compliance with the Commission’s closed captioning requirements would be economically burdensome to him, we grant a temporary exemption for his program, *Cruise ’n with E-Rider*, for a period of two years from the date of the release of this Order. *Cruise ’n with E-Rider* must be closed captioned no later than the end of the two year temporary exemption, which is July 17, 2017.¹

II. BACKGROUND

2. In 1996, Congress added section 713 to the Communications Act of 1934, as amended (Communications Act), establishing requirements for closed captioning of video programming to ensure access to such programming by people who are deaf or hard of hearing,² and directing the Commission to prescribe rules to carry out this mandate.³ In 1997, the Commission adopted rules and implementation schedules for closed captioning, which became effective on January 1, 1998.⁴ The Commission’s closed

¹ July 16 falls on a Sunday.

² Section 305 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified at 47 U.S.C. § 613). As recognized by Congress, the goal in captioning video programming is “to ensure that all Americans ultimately have access to video services and programs, particularly as video programming becomes an increasingly important part of the home, school and workplace.” H.R. Rep. 104-458 (Conf. Rep.) at 183-184, 104th Cong., 2d Sess. (1996). “Video programming” means “programming by, or generally considered comparable to programming provided by a television broadcast station.” 47 U.S.C. § 613(h)(2).

³ 47 U.S.C. §§ 613(b)-(c).

⁴ See 47 C.F.R. § 79.1; *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, Report and Order, 13 FCC Rcd 3272 (1997) (*Closed Captioning Report and Order*); *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, Order on Reconsideration, 13 FCC Rcd 19973 (1998) (*Closed Captioning Reconsideration Order*).

captioning rules currently require video programming distributors, absent an exemption, to caption 100% of all new, English and Spanish language programming.⁵

3. Section 713(d)(3) of the Communications Act authorizes the Commission to grant individual exemptions from the television closed captioning requirements upon a showing that the requirements would be economically burdensome, defined as imposing on the petitioner a “significant difficulty or expense.”⁶ Any entity in the programming distribution chain, including the owner, provider, or distributor of the programming, may petition the Commission for such an exemption under section 79.1(f) of the Commission’s rules.⁷ When making its determination as to whether a petitioner has made the required showing, the Commission, in accordance with section 713(e) of the Communications Act and section 79.1(f)(2) of the Commission’s rules, considers the following factors on a case-by-case basis: (1) the nature and cost of the closed captions for the programming; (2) the impact on the operation of the provider or program owner; (3) the financial resources of the provider or program owner; and (4) the type of operations of the provider or program owner.⁸

4. The Commission has also determined that the following information and documentation

⁵ 47 C.F.R. §§ 79.1(b)(1)(iv), (b)(3)(iv). A “video programming distributor” is defined as (1) any television broadcast station licensed by the Commission; (2) any multichannel video programming distributor (MVPD) as defined in section 76.1000(e); and (3) any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission. 47 C.F.R. § 79.1(a)(2). The Commission’s rules also require closed captioning of 75% of a programming distributor’s pre-rule, nonexempt English and Spanish language programming that is distributed and exhibited on each channel during each calendar quarter. 47 C.F.R. §§ 79.1(b)(2)(ii), (b)(4)(ii). “Pre-rule” programming refers to analog video programming first published or exhibited before January 1, 1998, or digital video programming first published or exhibited before July 1, 2002. 47 C.F.R. § 79.1(a)(6). Bilingual English-Spanish language programming is subject to the same closed captioning requirements for new and pre-rule programming. *See Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc., Petition for Rulemaking*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 2221, 2288-89, ¶ 115 (2014).

⁶ *See* 47 U.S.C. §§ 613(d)(3),(e); *see also* 47 C.F.R. § 79.1(f)(2). As originally enacted in 1996, section 713 of the Communications Act authorized the Commission to grant individual closed captioning exemptions upon a showing that providing closed captioning would “result in an undue burden.” Pub. L. No. 104-104, § 305, 110 Stat. 126 (1996). Section 202(c) of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) replaced the term “undue burden” with the term “economically burdensome.” Pub. L. No. 111-260, § 202(c), 124 Stat. 2771, amending 47 U.S.C. § 613(d)(3). For purposes of evaluating individual exemptions, the Commission has determined that Congress intended the term “economically burdensome” to be synonymous with the term “undue burden” as defined by section 713(e) of the Communications Act and section 79.1(f)(2) of the Commission’s rules. *See Interpretation of Economically Burdensome Standard, Amendment of Section 79.1(f) of the Commission’s Rules, Video Programming Accessibility*, Report and Order, 27 FCC Rcd 8831, 8834, ¶ 7 (2012) (*Economically Burdensome Standard Order*).

⁷ 47 C.F.R. § 79.1(f)(1). A “video programming provider” is defined as “[a]ny video programming distributor and any other entity that provides video programming that is intended for distribution to residential households including, but not limited to broadcast or nonbroadcast television network and the owners of such programming.” 47 C.F.R. § 79.1(a)(3). *See also* n.4, *supra* (for definition of “video programming distributor”). A petitioner may seek an exemption for “a channel of video programming, a category or type of video programming, an individual video service, a specific video program or a video programming provider.” 47 C.F.R. § 79.1(f)(1).

⁸ 47 U.S.C. § 613(e); 47 C.F.R. § 79.1(f)(2). A petitioner may also present for the Commission’s consideration “any other factors the petitioner deems relevant to the Commission’s final determination,” including alternatives that might constitute a reasonable substitute for closed captioning. 47 C.F.R. § 79.1(f)(3). The Commission has delegated the responsibility for evaluating and ruling on these petitions to the Consumer and Governmental Affairs Bureau. *Economically Burdensome Standard Order*, 27 FCC Rcd at 8834-35, ¶ 8.

must be submitted with closed captioning exemption petitions to enable its consideration of the above factors:

- documentation of the petitioner's financial status, including detailed information regarding finances and assets;
- verification that the petitioner has obtained information about the costs it would incur to provide closed captioning of the programming;
- verification that the petitioner has sought closed captioning assistance from its video programming distributor(s), noting the extent to which such assistance has been provided or rejected;
- verification as to whether the petitioner has sought additional sponsorships (other than from its video programming distributor(s)) or other sources of revenue for captioning; and
- a showing that the petitioner does not have the means to provide captioning for the programming.⁹

5. Each petition must contain a detailed, full showing of any facts or considerations relied upon, supported by affidavit.¹⁰ Failure to support an exemption request with adequate explanation and evidence may result in the dismissal of the request.¹¹ While a petition is pending, the programming subject to the request for exemption is considered exempt from the closed captioning requirements.¹²

6. Mr. Slone initially filed a petition for exemption on February 23, 2006 (hereinafter Petition).¹³ In a Public Notice released on March 14, 2006, the Bureau invited comment on the Petition.¹⁴ In 2012, the Bureau notified Mr. Slone of the need to file updated information with respect to his Petition.¹⁵ In response, on June 20, 2012, Mr. Slone supplemented his Petition.¹⁶ On October 26, 2012,

⁹ *Anglers for Christ Ministries, Inc., et al.; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility*, CG Docket Nos. 06-181 and 11-175, Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking, 26 FCC Rcd 14941, 14955-56, ¶ 28 & nn. 100-04 (2011) (*Anglers Reversal MO&O*). The Bureau has provided additional guidance for petitioners regarding these requirements in the document "Required Information to Provide in Filing a New Petition to be Exempt from the Closed Captioning Requirements," which is provided by the staff to captioning exemption petitioners and is available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-323421A1.pdf (*Bureau Information Guidance*).

¹⁰ 47 C.F.R. § 79.1(f)(9). A petition for exemption may also be supported by an unsworn written statement signed by a declarant under penalty of perjury. 47 C.F.R. § 1.16.

¹¹ *Anglers Reversal MO&O*, 26 FCC Rcd at 14955-56, ¶ 28 (citing *The Wild Outdoors, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Memorandum Opinion and Order, 16 FCC Rcd 13611, 13614, ¶ 12 (Cable Services Bureau, 2001) (*Wild Outdoors 2001*)).

¹² 47 U.S.C. § 613(d)(3); 47 C.F.R. § 79.1(f)(11).

¹³ See Letter from Ray Slone and Bruce Clarke, Producers, to Office of the Secretary, FCC (Feb. 23, 2006); see also Supplemental Affidavit from Ray Slone and Bruce Clarke, Producers, to Office of the Secretary, FCC (Mar. 6, 2006) (collectively, Petition).

¹⁴ *Consumer and Governmental Affairs Bureau Action Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 21 FCC Rcd 2374 (CGB 2006).

¹⁵ *Notice of Need to File Updated Information with Respect to Pending Petitions for Exemption from Commission's Closed Captioning Rules Which Were Filed Prior to October 2010*, CG Docket No. 06-181, Public Notice, 27 FCC Rcd 3106 (CGB 2012) (alerting petitioners of the need to affirm that information previously provided is still

(continued....)

the Bureau again invited comment on the Petition,¹⁷ and certain consumer organizations jointly filed comments supporting a one year exemption in response to the Petition.¹⁸ Subsequently, the Bureau determined that it required additional and updated information to enable it to determine whether the programming that was the subject of the Petition should be exempt from the Commission's closed captioning obligations.¹⁹ In response to Bureau letters dated September 27, 2013 and May 30, 2014, Mr. Slone supplemented his Petition.²⁰ The Bureau again placed the Petition on Public Notice for comment on November 19, 2014.²¹ Again, several consumer groups jointly commented on the Petition.²²

III. DISCUSSION

7. Mr. Slone, a sole proprietor,²³ produces *Cruise'n with E-Rider*, a half-hour automotive show that is broadcast approximately 20 to 30 times a year on Station WRGT-TV, Dayton, OH (WRGT-TV).²⁴ The program generally films car shows, drag racing and other automotive events, and telecasts those programs within a week of the event.²⁵ Once a year, *Cruise'n with E-Rider* hosts a car show, charity auction and toy drive for the benefit of the local Children's Hospital.²⁶ Mr. Slone states that, if he were required to provide closed captioning, the expense of the closed captioning would force him to

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accurate and up-to-date; to update that information, or to withdraw their petitions.) *See also* Letter from Kris Anne Monteith, Acting Chief, CGB, to Ray Slone and Bruce Clarke (Apr. 5, 2012).

¹⁶ Letter from Ray Slone, Jr., to Office of the Secretary, FCC (Jun. 20, 2012) (filed June 25, 2012) (2012 Petition Supplement). Although the original 2006 Petition had included another producer, Mr. Bruce Clarke, the supplemental materials are submitted only by Mr. Slone.

¹⁷ *Request for Comment, Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 27 FCC Rcd 13403 (CGB 2012).

¹⁸ *See Re: Cruise'n with E-Rider Petition for Exemption from the Commission's Closed Captioning Rules*, Case No. CGB-CC-0448, CG Docket No. 06-181, filed by Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), Association of Late-Deafened Adults (ALDA), California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), and Cerebral Palsy and Deaf Organization (CPADO) (Nov. 26, 2012) (Consumer Groups 2012 Comments).

¹⁹ *See* Letter from Cheryl King, Disability Rights Office, CGB, to "Cruise'n with E-Rider," Attn: Ray Slone (Sept. 27, 2013); *also see* Letter from E. Elaine Gardner, Disability Rights Office, CGB, to Ray Slone (May 30, 2014).

²⁰ *See* Letter from Ray Slone, Jr. to Office of the Secretary, FCC (Oct. 17, 2013) (filed Oct. 21, 2013) (2013 Petition Supplement); *also see* Letter from Ray Slone, Jr. to Office of the Secretary, FCC (June 20, 2014); Affidavit from Ray Slone, Jr. to Office of the Secretary, FCC (June 24, 2014) (collectively, 2014 Petition Supplement).

²¹ *Request for Comment/Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 29 FCC Rcd 13907 (CGB 2014) (2014 Public Notice).

²² *See Re: Comments to Petition for Exemption from the Commission's Closed Captioning Rules* (CG Docket No. 06-181), *Cruise'n with E-Rider* (Ray Slone) (CGB-CC-0448), filed by TDI, NAD, CCASDHH, CPADO, ALDA, and Deaf Seniors of America (collectively, Consumer Groups) (Dec. 19, 2014) (Consumer Groups 2014 Comments).

²³ 2013 Petition Supplement at 8.

²⁴ *Id.* at 2, 16. Note that page numbers refer to PDF page numbers in the Commission's Electronic Comment Filing System (ECFS), and may not correlate with Petitioner's page numbers.

²⁵ *Id.* at 3.

²⁶ *Id.*

discontinue the program, and he “would no longer be able to help promote a wonderful pastime or help local children’s causes.”²⁷

8. Mr. Slone obtained several quotes to caption his program. The lower quotes include one for \$47.50 per program from US Captioning Company, and one for \$100.00 per program from Closed Caption Maker.²⁸ Based on these quotes, the cost of captioning services for a full year of *Cruise ’n with E-Rider* (i.e. 30 programs) would be \$1,425.00 and \$3,000.00, respectively.²⁹ In his petition, Mr. Slone claims that given the size of the *Cruise ’n with E-Rider* operation, in-house captioning is not an option that he can afford.³⁰

9. Mr. Slone submitted income tax returns and financial statements for 2012 and 2011. For 2012, Mr. Slone reports income of \$39,324.00,³¹ expenses of \$32,409.00,³² and net income of 6,915.00.³³ For 2011, Mr. Slone reports income of \$40,355.00,³⁴ expenses of \$30,977.00,³⁵ and net income of \$9,378.00.³⁶

10. Mr. Slone also submitted balance sheets for 2012 and 2011.³⁷ Mr. Slone reports current assets as of December, 31, 2012 of \$543.17 and current liabilities of \$2,244.16, resulting in net current

²⁷ *Id.*

²⁸ *Id.* at 16; 2014 Petition Supplement at 5. Additional captioning quotes that Mr. Slone submitted with his 2013 Petition Supplement from Caption Depot and from Caption and Subtitle Services were either undated or submitted without a cost proposal, *see* 2013 Petition Supplement at 17, 19, and are therefore not considered in this exemption determination. Additionally, one of these supplemental quotes, provided by Video Caption Corporation, is higher than those cited herein, and was therefore not considered. 2014 Petition Supplement at 3.

²⁹ 2013 Petition Supplement at 5, 20. The annualized cost is based on the estimate for captioning multiplied by thirty shows.

³⁰ *Id.* at 4 (stating that in-house captioning is a “technical feat (sic) that would require an engineer for which I am not nor I can afford.”)

³¹ *Id.* at 10, 12. The 2012 income amount is calculated by adding together wages, salaries, and tips (*id.* at 10, line 70) and gross receipts or sales (*id.* at 12, line 1a): \$33,810.00 + \$5,514.00 = \$39,324.00.

³² *Id.* at 11-12. The 2012 expenses amount is calculated by adding together itemized deductions (*id.* at 11, line 40) and exemptions (line 42); and cost of goods sold (*id.* at 12, line 4), and total expenses (line 28): \$11,900.00 + \$11,400.00 + \$1,538.00 + \$7,571.00 = \$32,409.00.

³³ The 2012 net profit is calculated by subtracting the expenses from the income: \$39,324.00 - \$32,409.00 = \$6,915.00.

³⁴ 2013 Petition Supplement at 6, 8. The 2011 income amount is calculated by adding together wages, salaries, and tips (*id.* at 6, line 7) and rental real estates, royalties, trusts, etc. (line 17) and gross receipts or sales (*id.* at 8, line 1b): \$34,638.00 + \$583.00 + \$5,134.00 = \$40,355.00.

³⁵ *Id.* at 6-8. The 2011 expenses amount is calculated by adding together the health saving account deduction that was not claimed in 2012 (*id.* at 6, line 25), itemized deductions (*id.* at 7, line 40), exemptions (line 42), cost of goods sold (*id.* at 8, line 4), and total expenses (line 28): \$100.00 + \$11,600.00 + \$11,100.00 + \$943.00 + \$793.00 + \$6,441.00 = \$30,977.00.

³⁶ The 2011 net profit is calculated by subtracting the expenses from the income: \$40,355.00 - \$30,977.00 = \$9,378.00.

³⁷ 2013 Petition Supplement at 27-28.

liabilities of \$1,700.99.³⁸ Mr. Slone reports current assets as of December 31, 2011 of \$635.04, and current liabilities of \$2,315.62, resulting in net current liabilities of \$1,680.58.³⁹

11. Mr. Slone reports that he requested captioning assistance from his video programming distributor WRGT-TV; however, WRGT-TV indicated that it would charge for captioning services.⁴⁰ In addition, Mr. Slone provides documentation indicating that he was unsuccessful in his efforts to secure donations from businesses to cover the cost of captioning.⁴¹ Mr. Slone asserts that, absent an exemption from the captioning requirements, he would have to discontinue his broadcast of *Cruise 'n with E-Rider*.⁴²

12. Consumer Groups, which were the only parties to comment on the Petition in response to the 2014 *Public Notice*, agree that Mr. Slone should receive a temporary exemption, but that the exemption be of a duration no longer than 12 to 18 months.⁴³ Consumer Groups state that, “[b]ecause *Cruise 'n* has been operating under a *de facto* waiver of the closed captioning rules for almost nine years, it has had ample time to find funding to pay for captioning.”⁴⁴ Consumer Groups further justify an exemption of 12 to 18 months by arguing that “a short waiver of less than two years would serve the intent of the economically burdensome waiver, which ‘is not designed to perpetually relieve a petitioner of its captioning obligation.’”⁴⁵

13. *Determination.* After a careful review of the record, the Bureau finds that Mr. Slone has demonstrated that the provision of closed captioning for *Cruise 'n with E-Rider* would be economically burdensome. As an initial matter, the Commission has previously determined that, when conducting an economically burdensome analysis, “all of the petitioners’ available resources” must be taken into consideration.⁴⁶ The Commission has rejected suggestions “to consider only the resources available for a specific program” in making the determination of whether the provision of closed captioning is economically burdensome.⁴⁷ Therefore, we now consider the overall financial resources available to Mr. Slone in determining whether it would be economically burdensome for him to comply with the Commission’s closed captioning requirements.

14. Our conclusion is supported by the information and documentation Mr. Slone has provided, which shows that Mr. Slone had net income of \$6,915.00 in 2012.⁴⁸ If Mr. Slone was required

³⁸ *Id.* at 28.

³⁹ *Id.* at 27.

⁴⁰ *Id.* at 16. WRGT-TV has offered captioning services at a rate of \$47.50 for each half-hour program. *Id.*; see ¶ 8, *supra*.

⁴¹ 2014 Petition Supplement at 1-2.

⁴² 2012 Petition Supplement at 2.

⁴³ Consumer Groups 2014 Comments at 2, 4-5. Some of the same consumer organizations, together with other advocacy organizations, also provided comments in response to the 2012 *Public Notice*. There, too, these commenters expressed agreement that Mr. Slone should receive a temporary exemption, but urged that the exemption be of a duration no longer than one year. *See* Consumer Groups 2012 Comments at 1-3.

⁴⁴ Consumer Group 2014 Comments at 2.

⁴⁵ *Id.* (citations omitted).

⁴⁶ *Anglers Reversal MO&O*, 26 FCC Rcd at 14950, ¶ 17 (explaining that consideration of a petitioner’s request for exemption must take into account “the overall financial resources of the provider or program owner”).

⁴⁷ *Id.*

⁴⁸ *See* ¶ 9, *supra*.

to provide closed captioning for its program at an annual cost of \$1,425.00,⁴⁹ he would have to spend as much as 20.61% of its net income on closed captioning. In addition, Mr. Slone's net current liabilities of \$1,700.99 as of December 2012 were insufficient to cover these captioning costs.⁵⁰ The Consumer Groups also supported a temporary exemption for Mr. Slone in order to give him "ample time to obtain additional funding, sponsors, or donations to cover its captioning expenses."⁵¹ We are persuaded, based on this information, that having to caption *Cruise 'n with E-Rider* would have a significant detrimental impact on Mr. Slone's financial resources at this time and possibly lead to the termination of the program.

15. Mr. Slone does not specify a timeframe for the exemption that he requests. As the Commission has previously noted, an exemption from the captioning rules is "not designed to perpetually relieve a petitioner of its captioning obligation."⁵² The Commission has recognized that "changes in technology, the economics of captioning, or the financial resources of a video programming provider may affect the justification for an undue burden exemption" over time and, therefore, "it is better to maintain the flexibility to limit the duration of an undue burden exemption if the facts before us indicate that the particular circumstances of the petition warrant a limited exemption."⁵³ Similarly, the Commission has stated its intention to "consider time limits . . . when evaluating requests for undue burden exemptions on the basis of the information regarding individual circumstances."⁵⁴ The situation of a petitioner may change over time and may no longer warrant continuation of the exemption. In the event that a petitioner does continue to need an exemption, it may submit a new petition to extend the exemption for additional time.

16. As discussed above, in the instant case, we conclude that Mr. Slone has demonstrated that his financial situation, as reflected in his submissions to the Commission, makes captioning costs economically burdensome for him. Given the evolution of technology, potential drops in the cost of captioning over time, and the possibility that the financial status of Mr. Slone may change, we conclude

⁴⁹ See ¶ 8, *supra*.

⁵⁰ See ¶ 10, *supra*.

⁵¹ Consumer Groups 2014 Comments at 5.

⁵² *The Wild Outdoors, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Memorandum Opinion and Order, 20 FCC Rcd 11873, 11874, ¶ 3 (MB 2005) (*Wild Outdoors 2005*); *Awakening Ministries, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Memorandum Opinion and Order, 20 FCC Rcd 10740, 10741, ¶ 4 (MB 2005). See also *Anglers Reversal MO&O*, 26 FCC Rcd at 14953, ¶ 23.

⁵³ *Closed Captioning Report and Order*, 13 FCC Rcd at 3366, ¶ 205, quoted in *Anglers Reversal MO&O*, 26 FCC Rcd at 14952, ¶ 22. See also, e.g., *Outland Sports, Inc., Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Memorandum Opinion and Order, 16 FCC Rcd 13605, 13609, ¶ 12 (Cable Services Bureau 2001) (granting an exemption for one year); *Wild Outdoors 2001*, 16 FCC Rcd 13611 (one year); *WDLP Broadcasting Co, LLC, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, Memorandum Opinion and Order, 20 FCC Rcd 13531 (MB 2005) (three years). See also *Anglers Reversal MO&O*, 26 FCC Rcd at 14953, ¶ 23.

⁵⁴ *Closed Captioning Reconsideration Order*, 13 FCC Rcd at 20022, ¶ 112 (stating also that "[w]hile a specific time limit may be appropriate for some cases, a longer or shorter period may be appropriate in others"), quoted in *Anglers Reversal MO&O*, 26 FCC Rcd at 14952, ¶ 22 n.78. See also n.5, *supra* (confirming that the term "undue burden" is synonymous with the term "economically burdensome" for purposes of petitions for exemption from the Commission's closed captioning rules).

that an exemption of two years is warranted in this case. We further believe this period of time will give Mr. Slone ample time to locate ways to comply with the closed captioning requirements.⁵⁵

IV. ORDERING CLAUSES

17. Accordingly, pursuant to section 713 of the Communications Act of 1934, as amended, and sections 0.141(f) and 79.1(f) of the Commission's rules,⁵⁶ IT IS ORDERED that the Petition filed by Mr. Slone, requesting an exemption from the Commission's closed captioning rules, IS GRANTED, and it is granted such an exemption for a period of two years from the release of this Order or until July 17, 2017.

18. IT IS FURTHER ORDERED that *Cruise'n with E-Rider* must be captioned no later than July 17, 2017.

19. IT IS FURTHER ORDERED that Mr. Slone must inform the Commission of the date on which he commences closed captioning of his programming in accordance with this Order and the Commission's rules by e-mail to captioningexemption@fcc.gov, which the Commission will make available for public inspection.⁵⁷ The e-mail attachment must reference Case Identifier CGB-CC-0448.

FEDERAL COMMUNICATIONS COMMISSION

Karen Peltz Strauss
Deputy Chief
Consumer and Governmental Affairs Bureau

⁵⁵ We find that Consumer Groups' recommended 12 to 18 month exemption may not provide an insufficient duration to see meaningful changes in either Mr. Slone's financial situation or in the cost of captioning. Consumer Groups 2014 Comments at 5.

⁵⁶ 47 U.S.C. § 613, 47 C.F.R. §§ 0.141(f), 79.1(f).

⁵⁷ See *Notice of New Electronic Filing Procedures for Television Closed Captioning Exemption Requests*, Public Notice, 29 FCC Rcd 3960 (CGB 2014).