

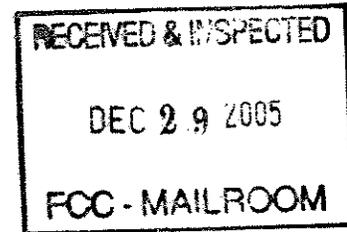
CGB-CC-0119

Office of the Secretary
Federal Communications Commission
Attention: CGB Room 3-B431
445 12th Street SW
Washington, DC 20554

ORIGINAL
— MASTER —

Petition for Exemption from Closed Captioning Requirements

NorthStar Community
C/O Bon Air Baptist Church
2531 Buford Road
Richmond, Va. 23235
(800) 908-2377
(804) 814-6903
(804) 272-3926 (Fax)



Introduction

NorthStar Community's Vision is that all hurting people find their way back to God. Our mission is to provide a motivational, Christ-centered spiritual environment where troubled individuals and families can receive encouragement, education and support. NorthStar Community was founded in 1999 on the premise that people with "hurts, habits and hang-ups" are best assisted in a community environment that presents a consistent message of hope paired with practical educational resources to help them change some of the past beliefs and behaviors that have contributed to their current state of dysfunction. Sunday mornings this group holds a meeting at Bon Air Elementary School in Chesterfield Country (8701 Polk Street, Richmond, Va. 23235). It provides a nurturing community for any who come, a safe and nonjudgmental environment to admit problems. All expenses incurred by this meeting are funded by donations from the general public it serves.

These services are recorded and edited for the television and radio show that is also a part of this ministry. Every Sunday morning at 11:30 a.m. on WTVR CBS TV-6, and 87.7 FM radio this pre-recorded program entitled "NorthStar Community" airs in the local Richmond, Virginia market. The program is 30 minutes in length. Consistent with our mission this educational teaching program is designed to inform the audience of new choices and new skills for dealing with life issues, and serves as a way to get information to the public about other helpful resources available to them. This program was undertaken to get the message of hope out to hurting people who either cannot or will not travel to our site location at Bon Air Elementary School. Hurting people are often disadvantaged economically, may lack transportation or a driver's license, live isolated lives, or even attend other churches on Sunday morning. The program enables people to tape the message, listen in the privacy of their own home (many are shame-filled and embarrassed to admit their troubles), and generally find it more convenient than traveling to the actual site. Our TV Program is often the first point of contact that the team has with a hurting individual or family.

The Director of Operations and Media primarily supervises the TV production effort with the support of a team of trained volunteers. Fifty percent of the Director's time is allocated to the program's production. This effort is funded by donations from the general public that attend services at the Elementary school. No income is received directly from the TV programs (ie, no pledges are solicited by the program or received by phone during the program).

For § reasons set forth below, NorthStar Community hereby requests an undue burden exemption from the closed captioning rules for the "NorthStar Community" TV Program, pursuant to § 79.1(f) of the Commission's rules.

Nature and Cost of Closed Captions

WTVR CBS TV-6 does not provide a closed captioning service. However, Don Cox, director of engineering and operations recommended Raycom Post Production in Burbank, California as their closed captioning vender of choice [see attached quote, 12/21/05]. Their detailed attachment covers all costs involved and totals \$337.00 to create a 30 minute offline closed captioned DVC Pro Master. A local search of community venders finds a better cost solution with Creative Caption here in Richmond, Virginia [see attached e-mail quote 12/21/05]. Their complete services total \$225.00 to create a 30 minute closed captioned master tape, plus offer free delivery to the station. A comparative search was performed on the internet, however we found all estimates to be higher than the local choice quoted from Creative Caption, thus not included in this petition. Alternatives to closed captioning such as a subtitles, or rolling graphic text, or any text visible throughout the message have been rejected, because we believe it distracts from the message thereby reducing the effectiveness of the program. At best, the \$225/episode choice (x) 52 episodes = an \$11,700 additional yearly expense for closed captioning.

Impact on the Operation of the Program Provider

The total cost of producing programming for the 2005 season was \$400 per episode and \$20,800 per year, which represents 50% of the Media & Operations Salary plus the various fixed costs of producing a weekly program. Additionally, each episode costs \$1,200 x 52 weeks = \$62,400 to air on WTVR CBS TV-6 [see attached copy of monthly episode billing].

This effort is funded by donations from the general public that attend the weekly services at the Elementary school. No income is received directly from the TV programs (ie, no pledges are solicited by the program or received by phone during the program) .

Thus, at best, the closed captioning cost of \$225 per episode would increase our production costs from \$400 per episode to \$625 per episode. This represents a 56% increase in our production costs. Again, no income is received directly from the TV program as this is a service to the public, and intentionally no solicitations are ever made by the program. As note earlier, this would be a \$11,700 additional yearly expense. This 56% increase constitutes a significant production expense increase that places undue burden on the mission and vision of NorthStar Community.

Financial Resources of the Program Provider

NorthStar Community receives it's entire income from the donations from the general public attending the weekly services at the Elementary School [see attached financial documentation]. This source of income to date (12/23/05) equals \$167,285. Our main expenses are salary, book resources, TV, prison ministry, hospitality, leadership training, service projects and community gifts (Katrina, Healing Place, Habitat for Humanity). Our expenses to date (12/23/05) equals \$165,003. Thus, our net income for the year is \$2,282.

Note: Closed captioning, in 2005, would have cost an additional \$11,700, thus causing a net loss in 2005 of -9,418.00 . Thus, as we see it, closed captioning threatens to divert our monies away from community gifts such as to the Healing Place, Habitat for Humanity, etc. or could cause us to discontinue the TV program due to the large increase in costs. As noted above, WTVR CBS TV-6 does not offer closed captioning assistance.

Type of Operations of the Program Provider

NorthStar Community is a non-profit provider of TV programming. It's vision is that all hurting people find their way back to God. It's mission is to provide a Christ-centered approach to recovery where troubled individuals and families in our community can receive encouragement, education and support in their recovery process. NorthStar Community recognizes that there is a spiritual component missing in the lives of troubled people. Individuals and families plagued with addiction issues, financial struggles, incarceration, abuse and other related issues benefit from spiritual guidance. Therefore, NorthStar Community uses a variety of methods to provide education and support to these individuals and their families. We utilize the internet with our website www.NorthStarCommunity.com, media with TV and Radio programming, support groups and classroom settings to teach life skills, problem solving, financial planning, anger management, all with a spiritual foundation. **Note:** In 2005, we also realized that our TV program was being viewed regularly and widespread in the local jails and prisons. Inmates wanting to find their freedom from past addictions that in part led them into prison. Thus, we began in November a Prison Ministry where the inmates learn about the Christ-centered 12 Steps through a team of letter writers who send them one step booklet at a time guiding them through the recovery process and hopefully reducing recidivism in our Community and State. This is a direct result of our TV program.

Other factors

Our program only airs on WTVR CBS TV-6 and otherwise meets the requirements of the local, non-news exemption. We petition that the local, non-news exemption to the closed captioning rules also applies to NorthStar Community. As noted above, the program is produced and distributed locally, and the messages of NorthStar Community are of primarily local public interest. The episodes are not news, they do not have repeat value, and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we have filled this petition in an abundance of caution and for the purpose of establishing certainty.

NorthStar Community was notified about the FCC requirement for closed captioning on Wednesday, December 21, 2005 by the way of an e-mail message from WTVR CBS TV-6.

Conclusion

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case, because requiring closed captioning would create an undue burden. The costs of captioning (\$11,700.00 per year) would be excessively high and would have a significant impact on the NorthStar Community's operations. NorthStar Community's type of operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of the significant difficulty and expense of providing closed captions, a waiver under § 79.1(f) is warranted. If more information is needed, please contact me at the address provided below.

Respectfully submitted,
NorthStar Community Church

By: 
David Lyles
NorthStar Community Media & Operations Director
2531 Buford Road
Richmond, VA. 23235

(800) 908-2377
(804) 814-6903
(804) 272-3926 (Fax)

Dated: 12-28-05



Closed Captioning Services - 2006

Your internal post production facility, Raycom Post, can help your station with all of your closed captioning needs. The below pricing is based on a 30 minute post produced program. Pricing for additional run times and tape formats are available. Real time (live) closed captioning services can be quoted as well and will be based on program length and periods covered. Please contact us for those rates.

- **Offline Captioning:** Transcribing of the actual verbatim program content in preparation for closed captioning encoding (shown below). Price includes (1) VHS work tape which is required for transcribing: **\$272.00**
- **Closed Captioning Encoding:** Making use of the verbatim transcription file prepared above, this fee is for the actual CC encoding on line 21 of your master and will be in addition to the basic duplication rates. **\$30.00**
- **Duplication to Betacam SP or DVC Pro: \$35.00**
- **Duplication to Digital Betacam: \$60.00**
- **Live Real Time Captioning:** *Please call for these rates. Pricing is based on the volume of live programming captioned.
- **Video Descriptive Services:** (aural description of screen content for the visually impaired): Call for rates.
- **Spanish and Multilingual captioning:** Call for rates.

Example: To create a 30 minute offline closed captioned DVC Pro master, it would cost **\$337.00**.

Raycom Post Production - 4450 Lakeside Dr. # 300 - Burbank, CA 91505
818-846-0101 - 818-846-0277 - www.raycompost.com

David Lyles

From: Chris Heipel [cheipel@myspbc.org]
Sent: Wednesday, December 21, 2005 10:08 PM
To: David Lyles
Cc: 'Chris Heipel'
Subject: RE: Closed Captioning: Local Services

David,

I received the same e-mail today. I must admit this does not give anyone anytime to prepare for Closed Captioning. If it wasn't for an engineer I am working with on our upcoming campus, I wouldn't have known either.

I have searched the internet about recycling closed captioned tapes and haven't found anything on it. Closed Caption is encoded into line 21 of the video where the decoders read... every time you dub over the video a new line 21 would be written. I e-mailed my engineer to get this confirmed.

For the script writing into word, I've been searching for a voice to text technology however after many phone calls and searching the internet I realized the technology is way behind times. For religious programming there is a LOT, and I mean a LOT of words and proper names that are not common to the English language. I've hired two very great transcribers that can type 100 words a minute, know the bible and most of all... God. It's a perfect fit.

For Creative Caption to transcribe your program, dub to DVC-pro (recycled), encode Closed Captioning and deliver to CBS 6 = \$225.00
If you refer a client to Creative Caption & Video I will lower your weekly price.

Talk with you soon. Let me know if you need anything else.
Chris

David,

I don't think I ever followed up with you on the business name change. I had to keep the Custom Video LLC for the IRS... however, the company name which I will be operating is Creative Caption & Video. That will be the name listed in and on everything... Phone book, website, business cards etc. I truly believe it was heaven sent that I spoke with that day about the names.

I have some questions for you about your programming so I can give you a quote.

Which format will you be mastering your tapes to? DVC-Pro
Which format do you need your final Closed Captioning? DVCPRO
What is your typical turnaround time from final edit to airdate? Currently 2 days. Of course this would have to change.
Are you supplying your own DVCPRO tapes for the final Closed Captioning? Yes, although do not understand the process. Are you saying that my master is dubbed over to another DVC-Pro tape in the captioning process? If so, then my next question is can closed captioned videotape be recycled and used again and again?
Are you supplying a script of the show? (Word Document) Sounds like I'll have to. I wasn't sure. I thought the technology did that automatically.

Other:

I can deliver your show to 6 for you. (no charge - I have to go there anyway)
I won't be able to do the 1st show... I will be out of town until the 29th. Creative Caption (my company) is

12/27/2005



200996
 NORTHSTAR COMMUNITY
 C/O DAVID LYLES
 1730 CALAIS TRAIL
 POWHATAN VA 23139

[Handwritten Signature]

REP...
 SLP: NEIL MALAKOFF
 ADV.: NORTHSTAR COMMUNITY
 PROD: NORTH STAR

INVOICE AFFIDAVIT

REMIT TO ELCOM OF VA/WTVR-TV

DRAWER 0236
 P.O. BOX 11407
 BIRMINGHAM AL 35246-0236
 TELEPHONE: 804/254-3600
 DATE 11/27/05 996-00003

ORDER TYPE	STANDARD	WTVR-TV
INVOICE NO.	51110180	PAGE 1
SCHEDULE DATES	1/02/05-12/25/05	BROADCAST MONTH NOVEMBER
BILLING INSTRUCTIONS		
STANDARD BROADCAST CALENDAR		

REF#: DESC:

DESCRIPTION	SCHEDULE				ACTUAL BROADCAST				RECONCILIATION			
	PRICE	RT/SS#	PER	DATE	DAY	TIME	LENGTH	M/G FOR	PRODUCT DESCRIPTION	PRICE	REMARKS	DR/CR
1130A-12P	1200.00	2	4	11/06 11/13 11/20 11/27	SU SU SU SU	11:30A 11:30A 11:30A 11:30A			NORTH STAR NORTH STAR NORTH STAR NORTH STAR	1200.00 1200.00 1200.00 1200.00		
TOTAL AIRTIME NET SPOT REVENUE:											4,800.00	
PERIOD COST PER CONFIRMATION											4,800.00	
We warrant that the actual broadcast information shown on this invoice was taken from the program log and will be available, on request, for inspection by Advertiser or Agency for at least 12 months.												
4 TOTAL UNITS											4,800.00	
ACTUAL GROSS BILLING											4,800.00	
AGENCY COMMISSION											.00	
NET DUE											4,800.00	
SUB-TOTALS											Debits	
TOTAL RECONCILING											Credits	
ITEMS											.00	

Notwithstanding to whom bills are rendered, Advertiser, Agency and Service, jointly and severally shall remain obligated to pay to station the amount of any bills rendered by station within the time specified, and until payment in full is received by station. Payment by Advertiser to Agency or to Service, shall not constitute payment to this station.

ENCLOSURE SYSTEMS FORM NO. RYC/MC/98 v2
 AIRTIME INVOICE
 TERMS: PAST DUE 30 DAYS AFTER BROADCAST MONTH END DATE



TAX EXEMPT STATUS

EXHIBIT ATTACHMENT D

VIRGINIA BAPTIST MISSION BOARD
OF THE BAPTIST GENERAL ASSOCIATION OF VIRGINIA

EDDIE STRATTON, TREASURER
VIRGINIA BAPTIST MISSION BOARD
BAPTIST EXTENSION BOARD, INC.

November 19, 2004

Bon Air Baptist Church
Attn: Dr. Travis Collins
2531 Buford Rd
Richmond VA 23235

NORTH STAR COMMUNITY
TAX ~~EXEMPT~~ STATUS
EXEMPT

Dear Dr. Collins:

Enclosed is a copy of the blanket letter from the Internal Revenue Service dated December 30, 1968, which outlines the Baptist General Association of Virginia's exemption for tax purposes. This includes, in addition to the General Association, all other local associations and their respective churches. As an affiliated church, Bon Air Baptist Church, Richmond, Virginia, is exempt under our group ruling with the Internal Revenue Service under section 501 (c)(3) of the Internal Revenue Code.

Not only are you a subordinate under the above group ruling #1966, but also under the Southern Baptist Convention group ruling #1674.

Sincerely,

Eddie Stratton

ESS/lha

Enclosure

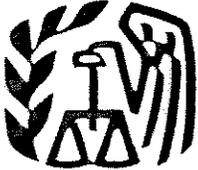
NORTHSIDE COMMUNITY

EXHIBIT ATTACHMENT D
US Treasury Department

TAX EXEMPT STATUS

Internal Revenue Service
Washington, DC 20224

Date: DEC 30 1968 In reply refer to
T:MS:EO:R:2-WRM



Baptist General Association of
Virginia
P. O. Box 8568
Richmond, Virginia 23226

Gentlemen:

Based on the information supplied, we rule that you and your affiliated churches and institutions named on the group exemption roster you submitted are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

You and your affiliated churches and institutions are not required to file Federal income tax returns.

It will not be necessary for you and your affiliated churches and institutions to file the annual return of information, Form 990-A, generally required of organizations exempt under section 501(c)(3) of the Code, as you and your exempt affiliated churches and institutions come within the specific exception contained in section 6033(a) of the Code.

Donors may deduct contributions to you or your affiliated churches and institutions as provided by section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to or for the use of you and your affiliated churches and institutions are deductible for Federal estate and gift tax purposes under sections 2055, 2106, and 2522 of the Code.

You and your affiliated churches and institutions are not liable for Federal unemployment taxes. You and your affiliated churches and institutions are liable for social security taxes only if you and your affiliated churches and institutions have filed waiver of exemption certificates, as provided in the Federal Insurance Contributions Act. (Your District Director will be glad to tell you more about the latter point.)

Baptist General Association of - 2 - TAX EXEMPT STATUS
Virginia

If you change your purposes, character, or method of operation, please let your District Director know, so that he may consider the effect on your exempt status. Also please keep him informed of any changes in your name or address.

Each year, within 45 days after your annual accounting period closes, please send us two copies of the following information about your affiliated churches and institutions.

1. A statement describing any changes during the year in the purposes, character, or method of operation of your affiliated churches and institutions.
2. A list of the names, mailing addresses including ZIP Codes of churches and institutions on your group exemption roster that during the year:
 - A. Changed names or addresses;
 - B. Were deleted from the roster;
 - C. Were added to the roster.

A director of affiliated churches and institutions may be substituted for this list if it includes the required information and identifies the affected churches and institutions according to the three categories above.

3. For churches and other institutions added to the roster, a letter signed by one of your principal officers containing or attaching:
 - A. A statement that the information upon which your present group exemption letter is based applies to the new churches and institutions;
 - B. A statement that each has given you written authorization to add its name to the roster;

TAX EXEMPT STATUS

Baptist General Association of - 3 -
Virginia

- C. A list of those which the Service previously issued rulings or determination letters relating to exemption.
4. If applicable, a statement that your group exemption roster did not change during the year.

Please show your Employer Identification Number on all correspondence with the Internal Revenue Service.

This ruling supersedes our ruling or determination letters addressed to any of your affiliated churches and institutions which have previously received such rulings or determination letters relating to exemption.

You should advise each of your exempt affiliated churches and institutions of the exemption and the pertinent provisions of this ruling.

We are notifying your District Director, Richmond, Virginia.

Very truly yours,

John R. Barber

Chief, Rulings Section
Exempt Organizations Branch

NORTHSTAR
COMMUNITY



Celebrating Recovery • Relationships • Renewal

I, David Lyles, am the Media & Operations Director of NorthStar Community, and I have reviewed the Petition for Exemption for Closed Captioning Requirements filed on behalf of NorthStar Community in this matter, and upon information and belief, believe the statements regarding our organization and the NorthStar Community TV program to be true and accurate.

David Lyles

A handwritten signature in cursive script that reads 'D. Lyles'.

NorthStar Community Media & Operations Director

Date 12-28-05

Kenyatta D Parker
My commission expires November 30, 2008



Schedule of all programming offered by NorthStar Community

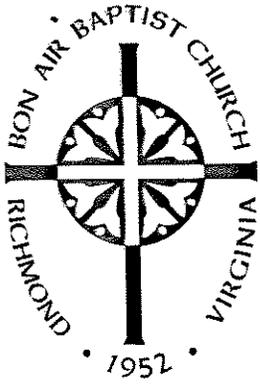
1. NorthStar Community TV Program airs 11:30am – noon every Sunday on WTVR CBS TV-6

Dated 12-28-05

A handwritten signature in cursive script, appearing to read "D. Lyles".

DAVIS LYLES

Media & Operations Director



Proclaiming the grace of God...
Growing followers of Christ



**Document attesting to the Net Income of NorthStar Community
for the year 2005 (as of 12/23/05)**

Current year income (as of 12/23/05)	=	\$167,285.00
Current year expenses (as of 12/23/05)	=	- \$165,003.00
Net Income for the year (as of 12/23/05)	=	<u>\$2,282.00</u>

DAVID LYLES
D. P. Dyer

12-28-05

Travis Collins
Senior Pastor

Bon Air Baptist Church
2531 Buford Road
Richmond, VA 23235
Phone: 804-272-1475
Fax: 804-272-3926
www.bonairbaptist.org