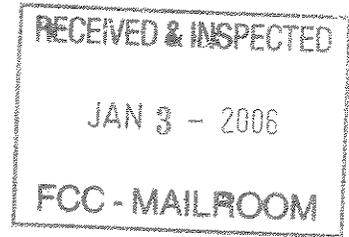


CGB-OC-0190

**THE CALEB CRUMP SHOW**  
**Caleb J. Crump**  
**P. O. Box 53454**  
**Albuquerque, NM 87153**  
**Telephone: (505) 315-1748 (Cell)**



December 29, 2005

**VIA FEDERAL EXPRESS**

Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: **PETITION FOR EXEMPTION FROM  
CLOSED CAPTIONING REQUIREMENTS  
FOR *THE CALEB CRUMP SHOW***

Ladies and Gentlemen:

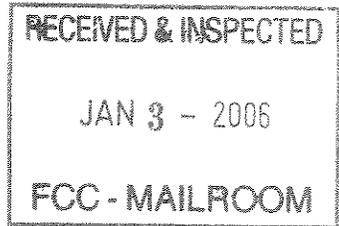
Pleased find enclosed a petition to the Federal Communications Commission seeking exemption from the requirement to provide closed captioning for *The Caleb Crump Show*. The request for exemption is being made under the provisions of 47 C.F.R. Section 79.1(d)(8) and Section 79.1(f).

Please advise if you have questions on this matter or if I may otherwise be of assistance.

Very truly yours,

By:   
**CALEB J. CRUMP**

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION



In re: *The Caleb Crump Show*  
Caleb J. Crump, Petitioner

**PETITION FOR EXEMPTION FROM  
CLOSED CAPTIONING REQUIREMENTS**

COMES NOW, Petitioner, Caleb J. Crump, and for his Petition for Exemption From Closed Captioning Requirements under 47 C.F.R 79.1, he states and affirms that:

**A. Background information for *The Caleb Crump Show***

1. Petitioner is the owner and producer of *The Caleb Crump Show* ("The Show"). The show is an Albuquerque-based, half-hour weekly urban variety television program that caters to a young-adult audience, with an emphasis on providing on-site reports from local events likely to be of interest to viewers. One show might feature a report on a recent musical concert; another, an interview with a celebrity; yet another, a report from a "happening" night club. In addition to the special features, the Show has reoccurring features such as fashion shows, "rapping ciphers", "shout-outs," and dance routines.
2. A primary purpose of the Show is to afford Petitioner the opportunity to develop his professional skills in creating, producing, and performing in an urban variety television program in the hope that *The Caleb Crump Show* may in the future be syndicated on a regional or national basis.
3. The Show has been broadcast, off and on, since 2002 on a number of Albuquerque, New Mexico television stations, as follows:

Dates: February 2002 - May 2004  
Station: KOB TV NBC  
Time slot: Saturday 12:00 to 12:30 AM  
Cancelled by KOB

Dates: June 2004 - May 2005  
Station: UPN 50 / KASY TV  
Time slot: Saturday 12:00 to 12:30 AM  
Cancelled by UPN 50 / KASY TV

Dates: July 2005 - August 2005  
Station: CASA Fox 2  
Time slot: Sunday 12:00 to 12:30 AM  
Time slot was only available during Summer 2005

- Petitioner has a one-year commitment from UPN 50 / KASY TV to run The Show on Channel 50, beginning December 31, 2005, on Saturday night from 12:00 to 12:30 AM. Contact information for this channel:

UPN 50 / KASY TV  
8341 Washington Street, NE Albuquerque, NM 87113  
Phone: 505.797.1919  
Fax: 505.344.1145

- Petitioner has been unable to interest local television stations in carrying The Show as part of their program offerings. Instead, stations have been willing to sell a half-hour block of time to Petitioner for The Show, much as they would sell time to an infomercial or other paid programming. This is also arrangement with UPN 50 / KASY TV discussed immediately above.
- Petitioner purchases a half-hour block of time and then develops and produces The Show. Each episode of the Show is developed from video shot live on location during the previous weekend; that is, video shot by Petitioner on a Friday or Saturday night while covering a local event will be edited down to a twenty-three (23) minute show for broadcast the following weekend. Participants at the event can watch The Show the following week and see themselves and their friends on television. The format has proven popular with the target audience, which allows Petitioner to sell advertising spots during the Show.
- The Show's format places enormous demands on Petitioner. On a week to week to week basis, he needs to make arrangements for attending a local event; develop an outline for shooting; prepare for his role as host and contributor to The Show; contact advertisers and obtain (sometimes develop) content for the commercials to be run during The Show; edit the video shot on location into a 23 minute segment; assemble the edited video and advertising spots into a final version of The Show; and deliver The Show to the television station in advance of broadcast so that it can be reviewed and scheduled for broadcast. Petitioner hires a cameraman to shoot the video, but all other tasks are performed by the Petitioner.

**B. Petitioner is exempt from the requirement to provide for closed captioning for *The Caleb Crump Show*, under 47 C.F.R. Section 79.1(d)(8), which authorizes an exemption from the captioning requirements for video programming that is (1) locally produced, (2) has no repeat value, (3) is of local interest, (4) is not news programming, and (5) for which the "electronic news room" technique of captioning is unavailable.**

- Petitioner meets the first test for this exemption as The Show is exclusively produced by Petitioner in Albuquerque, New Mexico. Further almost all of the video used on The Show will be shot locally.
- Petitioner meets the second test as The Show's content is topical and has no repeat value. As discussed above, The Show features a local event that in most cases will have occurred during the weekend prior to the broadcast of The Show. The passage of time makes each

such episode of The Show more and more irrelevant and uninteresting to viewers.

3. Petitioner meets the third test as the primary focus of The Show is to provide relevant local programming covering concerts, openings, happenings, and other events in or around Albuquerque and of interest to targeted viewers. During 2005, episodes of The Show featured the following local events:
  - a. New Year's Party at Hyatt Regency Hotel (Albuquerque)
  - b. Martin Luther King Jr. Parade (Albuquerque)
  - c. Valentine's Day at Albuquerque Hilton Hotel
  - d. Cinco de Mayo Celebration in Downtown Albuquerque
  - e. Grand Opening of McDonalds restaurant (Roswell, NM)
  - f. World Children's Day Block Party at Albuquerque Convention Center
  - g. Cowboys Night Club (Albuquerque)
  - h. New Mexico State Fair (Albuquerque)
  - i. Teen night at Roller King (Albuquerque)
  - j. Grand opening of Santa Fe Place Mall (Santa Fe, NM)
  - k. Summer Festival at Civic Plaza (Albuquerque)
4. Petitioner meets the fourth test as The Show is not news programming but rather is paid programming in the nature of entertainment programming.
5. Petitioner meets the fifth and final test as the "electronic newsroom" technique of captioning is unavailable. The Show does not employ a news script computer or tele-prompter from which such captioning could be derived.
6. For these reasons, Petitioner states that he fully meets the eligibility criteria for the exemption, and he respectfully requests that the Commission grant his request for an exemption from the closed captioning requirements under the provisions of the Commissions Rules in Section 79.1(d)(8).

**C. Petitioner is exempt from the requirement to provide closed captioning for *The Caleb Crump Show* under 47 C.F.R. Section 79.1(f), which authorizes an exemption from the captioning requirements for video programming where such requirements would impose an undue burden on the video programming provider or video owner. Consistent with the meaning of "undue burden" as defined in 47 U.S.C. §613(e), a requirement that Petitioner provide for closed captioning would constitute a significant difficulty for Petitioner.**

1. As discussed above in paragraph A.7, enormous demands are currently placed on the Petitioner to develop and produce The Show. He routinely spends fifty-five to sixty (55-60) hours per week in performing all of the necessary activities in furtherance of The Show. Due to financial constraints further developed below, Petitioner is unable to hire employees or contractors (other than a cameraman) to assist him in performing such tasks.
2. The addition of closed captioning to The Show would further increase Petitioner's workload

and be significantly difficult if not impossible from a scheduling standpoint. Video for a show is shot usually on a Friday or a Saturday evening. The final show must be delivered to the television station Thursday afternoon. In between, Petitioner must edit the footage down to the rough requirements for The Show; obtain video for the advertising spots, and develop and produce The Show. There barely exists enough time at present for Petitioner to complete all of these necessary tasks in a timely manner.

3. Petitioner does not own the software and hardware system necessary for adding closed captioning to The Show. He would need to contract for such services and arrange for delivery of the video to the service. Even employing hand delivery or an express carrier, a delay of at least one and more likely two or three days would be incurred. Such a delay would make production of The Show infeasible.
4. For these reasons, Petitioner states that he fully meets the eligibility criteria for the exemption, and he respectfully requests that the Commission grant his request for an exemption from the closed captioning requirements under the provisions of the Commission's Rules in Section 79.1(f).

**D. Petitioner is exempt from the requirement to provide closed captioning for *The Caleb Crump Show* under 47 C.F.R. Section 79.1(f), which authorizes an exemption from the captioning requirements for video programming where such requirements would impose an undue burden on the video programming provider or video owner. Consistent with the meaning of "undue burden" as defined in 47 U.S.C. §613(e), a requirement that Petitioner provide for closed captioning would constitute a significant expense for Petitioner.**

1. Petitioner has researched the cost of acquiring a closed captioning system and determined that an acceptable system can be obtained for \$3,000. The system, named ADDrollupCC, is comprised of software and hardware and is available from Closed Caption Maker of Baltimore, Maryland. Once acquired, to utilize such a system Petitioner would have to hire a transcriber to encode The Show's video for line 21 captioning. The weekly cost of a transcriber is estimated to be \$64.00. The first year cost of a captioning system and weekly transcription would total \$6,328.
2. Alternatively, closed captioning services can be obtained from a number of providers. Most of such providers are located outside of the State of New Mexico, but there is one provider located in Albuquerque. The company is called NM Captioning, and their services are priced competitively with out-of-state providers, namely, \$10 per minute of programming. The Show contains 23 minutes of programming, plus an additional 7 minutes of advertising not subject to the captioning requirements. Therefore, the cost for closed captioning would total \$230 per show, or \$11,960 per year.
3. During the past four years, Petitioner has had great difficulty in making The Show profitable. The reason that The Show has intermittently appeared on various Albuquerque television stations is that Petitioner has struggled in making ends meet. The biggest hurdle has been selling advertising at rates to allow The Show to be at least sustainable, if not very profitable.

On the one hand advertisers like the fact that The Show has attracted a desirable audience of young adults. On the other, The Show has always been broadcast in the midnight to 12:30 AM time slot, which is deemed undesirable by most advertisers. A further hurdle is that in the Albuquerque marketplace advertising rates are generally quite low in that time period. For example, a thirty- second spot on UPN 50 / KASY TV will typically cost \$20 on Saturday night between midnight and 12:30 AM. While Petitioner tries to obtain higher rates from advertisers on The Show, the spot market rate holds down potential advertising revenues which might otherwise be realized for The Show.

4. The economics of The Show can best be seen by reviewing Petitioner's federal tax return for 2004. A copy is attached to this petition, identified as Exhibit A. The Petitioner's social security number has been redacted, but otherwise the attachment is a full and complete copy of Petitioner's Form 1040 and Schedule C for 2004. As can be seen, Petitioner's only source of income derives from The Show, and in 2004 The Show only realized a net profit of \$9,823.16. In point of fact, the net profit of The Show constitutes the entirety of Petitioner's income for 2004.
5. The requirement of adding closed captioning to The Show would be an extreme financial burden on Petitioner. Under any of the available options, the costs associated with closed captioning would be prohibitive in light of expected revenues from the Show and force Petitioner to cease operations.
6. Petitioner has additionally considered alternatives to closed captioning, but does not any of the alternatives suitable for The Show. One alternative considered was the use of visible captioning at the bottom of the screen. However, such an approach still involves significant delay, plus the cost associated with transcription. Another was the use of a sign language interpreter, however, The Show is not scripted and is shot on location where visibility and logistics would make signing difficult. Petitioner would additionally incur significant costs for the interpreter. Finally, Petitioner has considered asking advertisers to additionally fund closed captioning. However, he believes that such requests would not be well received as advertisers already express concerns regarding the value of advertising on the Show in terms of value added to their business.
7. For these reasons, Petitioner states that he fully meets the eligibility criteria for the exemption, and he respectfully requests that the Commission grant his request for an exemption from the closed captioning requirements under the provisions of the Commissions Rules in Section 79.1(f).

**E. Petitioner supports closed captioning and will pursue other avenues to provide closed captioning for *The Caleb Crump Show*.**

1. Petitioner asks that the Commission understand he fully supports its rule-making concerning closed captioning. He makes this petition to the Commission solely due to his inability to provide closed captioning at this time.



**EXHIBIT**  
**A**

OMB No. 1545-0074

Your social security number [REDACTED]

Spouse's social security number [REDACTED]

For the year Jan. 1-Dec. 31, 2004, or other tax year beginning , 2004, ending , 20

Your first name and initial: **CALEB** Last name: **CRUMP**

If a joint return, spouse's first name and initial: Last name:

Home address (number and street). If you have a P.O. box, see page 16. Apt. no.:

**P.O. BOX 53454**

City, town or post office, state, and ZIP code. If you have a foreign address, see page 16.

**ALBUQUERQUE, NEW MEXICO 87153**

**Important!**  
You must enter your SSN(s) above.

Otherwise, please print or type.

Presidential Election Campaign (See page 16.)

Note. Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want \$3 to go to this fund?  Yes  No  Yes  No

**Filing Status**  
Check only one box.

- 1  Single
- 2  Married filing jointly (even if only one had income)
- 3  Married filing separately. Enter spouse's SSN above and full name here.
- 4  Head of household (with qualifying person). (See page 17.) If the qualifying person is a child but not your dependent, enter this child's name here.
- 5  Qualifying widow(er) with dependent child (see page 17)

**Exemptions**

6a  Yourself. If someone can claim you as a dependent, do not check box 6a

b  Spouse

c Dependents:		(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> if qualifying child for child tax credit (see page 18)
(1) First name	Last name			
				<input type="checkbox"/>

d Total number of exemptions claimed **1**

Boxes checked on 6a and 6b  
No. of children on 6c who:  
• lived with you  
• did not live with you due to divorce or separation (see page 18)  
Dependents on 6c not entered above  
Add numbers on lines above **1**

**Income**

7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	
8a	Taxable interest. Attach Schedule B if required	8a	
b	Tax-exempt interest. Do not include on line 8a	8b	
9a	Ordinary dividends. Attach Schedule B if required	9a	
b	Qualified dividends (see page 20)	9b	
10	Taxable refunds, credits, or offsets of state and local income taxes (see page 20)	10	
11	Alimony received	11	
12	Business income or (loss). Attach Schedule C or C-EZ	12	<b>9,823</b>
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>	13	<b>16</b>
14	Other gains or (losses). Attach Form 4797	14	
15a	IRA distributions	15a	
b	Taxable amount (see page 22)	15b	
16a	Pensions and annuities	16a	
b	Taxable amount (see page 22)	16b	
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	
18	Farm income or (loss). Attach Schedule F	18	
19	Unemployment compensation	19	
20a	Social security benefits	20a	
b	Taxable amount (see page 24)	20b	
21	Other income. List type and amount (see page 24)	21	
22	Add the amounts in the far right column for lines 7 through 21. This is your total income	22	<b>9,823 16</b>

**Adjusted Gross Income**

23	Educator expenses (see page 26)	23	
24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24	
25	IRA deduction (see page 26)	25	
26	Student loan interest deduction (see page 28)	26	
27	Tuition and fees deduction (see page 29)	27	
28	Health savings account deduction. Attach Form 8889	28	
29	Moving expenses. Attach Form 3903	29	
30	One-half of self-employment tax. Attach Schedule SE	30	<b>693 98</b>
31	Self-employed health insurance deduction (see page 30)	31	
32	Self-employed SEP, SIMPLE, and qualified plans	32	
33	Penalty on early withdrawal of savings	33	
34a	Alimony paid b Recipient's SSN	34a	
35	Add lines 23 through 34a	35	<b>693 98</b>
36	Subtract line 35 from line 22. This is your adjusted gross income	36	<b>9,129 18</b>

Tax and Credits

37 Amount from line 36 (adjusted gross income) . . . . . 37

38a Check  You were born before January 2, 1940,  Blind. Total boxes  
if:  Spouse was born before January 2, 1940,  Blind. checked ▶ 38a

b If your spouse itemizes on a separate return or you were a dual-status alien, see page 31 and check here ▶ 38b

39 Itemized deductions (from Schedule A) or your standard deduction (see left margin) . . . . . 39

40 Subtract line 39 from line 37 . . . . . 40

41 If line 37 is \$107,025 or less, multiply \$3,100 by the total number of exemptions claimed on line 6d. If line 37 is over \$107,025, see the worksheet on page 33 . . . . . 41

42 Taxable income. Subtract line 41 from line 40. If line 41 is more than line 40, enter -0- . . . . . 42

43 Tax (see page 33). Check if any tax is from: a  Form(s) 8814 b  Form 4972 . . . . . 43

44 Alternative minimum tax (see page 35). Attach Form 6251 . . . . . 44

45 Add lines 43 and 44 . . . . . 45

46 Foreign tax credit. Attach Form 1116 if required . . . . . 46

47 Credit for child and dependent care expenses. Attach Form 2441 . . . . . 47

48 Credit for the elderly or the disabled. Attach Schedule R . . . . . 48

49 Education credits. Attach Form 8863 . . . . . 49

50 Retirement savings contributions credit. Attach Form 8880 . . . . . 50

51 Child tax credit (see page 37) . . . . . 51

52 Adoption credit. Attach Form 8839 . . . . . 52

53 Credits from: a  Form 8396 b  Form 8859 . . . . . 53

54 Other credits. Check applicable box(es): a  Form 3800  
b  Form 8801 c  Specify . . . . . 54

55 Add lines 46 through 54. These are your total credits . . . . . 55

56 Subtract line 55 from line 45. If line 55 is more than line 45, enter -0- . . . . . 56

Standard Deduction for—

- People who checked any box on line 38a or 38b or who can be claimed as a dependent, see page 31.
- All others:
  - Single or Married filing separately, \$4,850
  - Married filing jointly or Qualifying widow(er), \$9,700
  - Head of household, \$7,150

Other Taxes

57 Self-employment tax. Attach Schedule SE . . . . . 57

58 Social security and Medicare tax on tip income not reported to employer. Attach Form 4137 . . . . . 58

59 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required . . . . . 59

60 Advance earned income credit payments from Form(s) W-2 . . . . . 60

61 Household employment taxes. Attach Schedule H . . . . . 61

62 Add lines 56 through 61. This is your total tax . . . . . 62

Payments

If you have a qualifying child, attach Schedule EIC.

63 Federal income tax withheld from Forms W-2 and 1099 . . . . . 63

64 2004 estimated tax payments and amount applied from 2003 return . . . . . 64

65a Earned income credit (EIC) . . . . . 65a

b Nontaxable combat pay election ▶ 65b

66 Excess social security and tier 1 RRTA tax withheld (see page 54) . . . . . 66

67 Additional child tax credit. Attach Form 8812 . . . . . 67

68 Amount paid with request for extension to file (see page 54) . . . . . 68

69 Other payments from: a  Form 2439 b  Form 4136 c  Form 8885 . . . . . 69

70 Add lines 63, 64, 65a, and 66 through 69. These are your total payments . . . . . 70

Refund

Direct deposit? See page 54 and fill in 72b, 72c, and 72d.

71 If line 70 is more than line 62, subtract line 62 from line 70. This is the amount you overpaid . . . . . 71

72a Amount of line 71 you want refunded to you . . . . . 72a

b Routing number           ▶ c Type:  Checking  Savings

d Account number

73 Amount of line 71 you want applied to your 2005 estimated tax ▶ 73

Amount You Owe

74 Amount you owe. Subtract line 70 from line 62. For details on how to pay, see page 55 ▶ 74

75 Estimated tax penalty (see page 55) . . . . . 75

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see page 56)?  Yes. Complete the following.  No

Designee's name ▶ Phone no. ▶ ( ) Personal identification number (PIN) ▶

Sign Here

Joint return? See page 17. Keep a copy for your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature  Date  Your occupation  Daytime phone number

Spouse's signature. If a joint return, both must sign.  Date  Spouse's occupation

Paid Preparer's Use Only

Preparer's signature  Date  Check if self-employed

Firm's name (or yours if self-employed), address, and ZIP code ▶ SHANNON TAX & BUSINESS SERVICE  
2010 La Placita NE #300  
Albuquerque, New Mexico 87109  
478-11-2625

Preparer's SSN or PTIN

EIN  Phone no.



**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		
37 Cost of labor. Do not include any amounts paid to yourself . . . . .	37		
38 Materials and supplies . . . . .	38		
39 Other costs . . . . .	39		
40 Add lines 35 through 39 . . . . .	40		
41 Inventory at end of year . . . . .	41		
42 Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on page 1, line 4 . . . . .	42		

**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) ▶ ...../...../.....

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 .....    b Commuting .....    c Other .....

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.

POSTAGE	217	41	
COPIES	45	51	
BANK CHARGES	30	00	
TV AIR TIME	6,348	80	
TELEPHONE	1,251	72	
PRINTING	1,466	90	
48 Total other expenses. Enter here and on page 1, line 27 . . . . .	48	9,360	34