

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Children’s Television Programming Rules)	MB Docket No.18-202
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

**COMMENTS OF CENTER FOR DIGITAL DEMOCRACY, CAMPAIGN FOR A
COMERCIAL-FREE CHILDHOOD, AND THE BENTON FOUNDATION**

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SUMMARY

CDD, CCFC, and the Benton Foundation strongly oppose the FCC's proposals to modify the children's television program rules. The Communications Act requires that broadcast television stations provide programming specifically designed to educate and inform children as a condition of receiving a free license to use the public airwaves. Broadcasters make billions of dollars each year from the sale of advertising time and retransmission consent fees. The FCC should not let broadcasters provide even less than the small amount educational children's television programming they now provide.

The FCC's assumption that children's television guidelines are no longer necessary because programming is available on other platforms is simply wrong. To obtain access to non-broadcast programming, households must have access to cable or broadband service, and be able to afford subscription fees and equipment. Many families, especially low-income families and families in rural areas cannot access or afford alternative program options.

In addition, while the video landscape has changed since the children's programming guidelines were adopted in 1996 and modified in 2004, the NPRM fails to show that cable, online and streaming alternatives are substitutes for children's educational programming on broadcast television. Only children's programs on broadcast and cable are subject to advertising limits and policies prohibiting deceptive and unfair advertising practices such as host-selling. And only television broadcasters are mandated to provide programming specifically designed to educate and inform children. The NPRM makes no attempt to quantify how much actual educational—as opposed to entertainment—children's programming is available on non-broadcast services.

Nor does the FCC take into account that that an extraordinary amount of children’s programming available online consists of “program-length commercials and “native” ads designed specifically to promote and sell toys, fast-food and other products. These types of “programming,” often called influencer videos or “unboxing” videos, could not be shown on cable or broadcast television because they would violate the FCC’s commercial limits and are designed for the purpose of selling to – not educating – children.

Finally, the NPRM fails to address the problem that children watching videos on YouTube, on mobile apps, and even on premium OTT services, are subjected to invasive data collection, profiling and interactive ad targeting practices.

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I. The FCC lacks statutory authority to amend its children’s television rules as proposed

The Commission lacks the authority to adopt most of the proposals set forth in the NPRM because if it did, it would violate Congressional intent express in Communications Act of 1934, the Children’s Television Act (CTA) of 1990 and the Telecommunications Act of 1996.

A. Broadcast stations alone are required to serve the public interest as a condition of using of the public airwaves

Under the Communications Act of 1934, the use of the public spectrum is licensed to broadcasters in return for their serving the public interest.¹ In its *1974 Policy Statement*, the FCC explained that

As we have long recognized, broadcasters have a duty to serve all substantial and important groups in their communities, and children obviously represent such a group. Further, because of their immaturity and their special needs, children require programming designed specifically for them. Accordingly, we expect television broadcasters, as trustees of a valuable public resource, to develop and present programs which will serve the unique needs of the child audience.

. . . Children, like adults, have a variety of different needs and interests. Most children, however, lack the experience and intellectual sophistication to enjoy or benefit from much of the non-entertainment material broadcast for the general public. We believe, therefore, that the broadcaster's public service obligation includes a responsibility to provide diversified programming designed to meet the varied needs and interests of the child audience.²

In 1990, Congress codified this obligation in passing the Children’s Television Act of 1990 (“CTA”). Congress found that

¹ See e.g. 47 USC §§307, 309; *Red Lion Broad. Co. v. FCC*, 395 U.S. 367, 380, 89 S. Ct. 1794, 1801 (1969).

²50 F.C.C.2d 1 (1974), *reconsid. denied*, 55 F.C.C.2d 691 (1975).

(1) it has been clearly demonstrated that television can assist children to learn important information, skills, values, and behavior, while entertaining them and exciting their curiosity to learn about the world around them; [and]

(2) as part of their obligation to serve the public interest, television station operators and licensees should provide programming that serves the special needs of children;

As a result, the CTA directed the FCC to “in its review of any application for renewal of a television broadcast license, consider the extent to which the licensee . . . has served the educational and informational needs of children through the licensee’s overall programming, including programming specifically designed to serve such needs.”³

The CTA was to intended both to “increase the amount of educational and informational broadcast television programming available to children and to protect children from over-commercialization of programming.”⁴ At that time, cable systems were offering a variety of children’s programming, which is why the CTA applied the commercial time limits to both broadcast and cable.⁵ Yet the CTA imposed the duty to provide educational children’s programming only on broadcasters, because of their free use of the public airwaves as public interest licensees. As the FCC concluded in the 1996 Order, the “CTA itself expressly focuses on broadcast licensees. In enacting this statute, Congress found that, as part of their public interest obligations, “*television station operators and licensees* should provide programming that serves the special needs of children.”⁶

In the 1996 Act, Congress provided additional spectrum to the existing television broadcasters to facilitate the transition from analog to digital broadcastings. Section 336 made

³ Section 101, codified at 47 USC §303b.

⁴ S. Rep. No. 227, 10125 Cong., 1st Sess, 1 (1989).

⁵ 47 USC § 303b(a).

⁶ *Policies and Rules Concerning Children’s Television Programming*, MM Docket No. 93-48, Report and Order, 11 FCC Rcd 10660 (1996) (“1996 Order”) (emphasis added).

clear that broadcast television licensees were expected to serve the public interest through their programming on any multicast program streams made available to the public for free. If television licenses wanted to use the spectrum for non-broadcast purposes, they would need to pay for the use of the spectrum.

The Commission launched a rulemaking on the public interest obligations of digital broadcasters in 2000 to determine the public interest obligations of DTV stations with respect to children.⁷ In 2004, the FCC amended the children's television guidelines to increase the number of hours of core programming required to meet the processing guideline. The FCC concluded that when broadcasters chose to provide multiple streams of free OTA programming to the public, their commitment to children should stay proportionate to the overall volume of content they offer.⁸ This FCC reaffirmed the requirement for additional E/I programming on reconsideration in 2006.⁹

B. Television broadcasters have profited immensely from their free use of the spectrum

Traditionally, television stations have earned revenue by selling a variety of large demographic groups to advertisers. Despite increased competition from digital advertising platforms, broadcast television revenues have remained high and continued to grow. According to statistics from the Standard Media Index, television advertising spending was up 7.1% in January 2018.¹⁰ And television advertising revenue in the US is project to increase from \$71

⁷ *Childrens TV Obligations of Digital TV Broadcasters*, 15 FCC Rcd 22946 (2000) at ¶ 19.

⁸ *Id.*

⁹ *In the Matter of Childrens TV Obligations of Digital TV Broadcasters*, MM Docket 00-167, Order on Recon., 21 FCC Rcd 11065 (2006) at ¶ 18.

¹⁰ Alan Wolk, *As Television Gets More Digital, TV Advertising Needs to Follow Suit*, FORBES (Mar. 1, 2018), <https://www.forbes.com/sites/alanwolk/2018/03/01/as-television-gets-more-digital-tv-advertising-needs-to-follow-suit/#7bdad00f2c50>. Recently, SMI's national advertising

billion in 2018 to \$92 billion in 2022¹¹. Broadcast stations are still the most important place for political candidates and organizations to advertise, and in election years, station revenues often skyrocket.¹² In the midterm elections this November, for example, broadcast TV is expected to receive the majority of electoral spending— \$35 billion.¹³

The fact remains that viewers today still spend more time watching broadcast television than other sources of programming.¹⁴ The FCC’s most recent annual Video Competition Report found that 26.7 million television households, or approximately 23 % of all television households, rely exclusively on over-the-air (OTA) television service on at least one television in the home. Moreover, the number has increased since the last report.¹⁵

Broadcast television stations get large retransmission fees from cable operators for the right to carry their programming. According to TV News Check, in the “past 10 plus years, stations have seen their retransmission revenues grow from roughly \$.30 per MVPD subscriber

revenue report found that “most importantly, that national TV ad revenue is up 4 percent in April YoY. Other notable upticks were in sports, primetime original programming, and cable news.” See also, *National TV Jumps 4% in April*, STANDARD MEDIA INDEX (June 4, 2018) https://www.standardmediaindex.com/press_releases/national-tv-jumps-4-in-april/.

¹¹ Jon Lafayette, *TV Ad Revenue to Grow to \$74.9B by 2022: PwC*, PWC- Broadcasting & Cable, June 5, 2018.

¹² See Hadas Gold & Alex Weprin, Cable news' election-year haul could reach \$2.5 billion, POLITICO (September 27, 2016), <https://www.politico.com/media/story/2016/09/media-tv-numbers-004783> (“...the three major cable news networks are set to make nearly \$2 billion in ad revenues, and the three main business networks are set to add another \$458 million in ad revenue from just the 2016 calendar year.”).

¹³ A recent report by Nielsen found that in Q1 2018, US adults 18 and over spent over 11 hours consuming media content. The largest percentage of that time was spent watching live and time-shifted TV (43%). Time Flies: U.S. Adults Now Spend Nearly Half a Day Interaction with Media, July 31, 2018, <https://www.nielsen.com/us/en/insights/news/2018/time-flies-us-adults-now-spend-nearly-half-a-day-interacting-with-media.html>.

¹⁴ See The Changing TV Experience Study 2017, INTERACTIVE ADVERTISING BUREAU (May 10, 2017), <https://www.iab.com/insights/2017changingtvexperience/>.

¹⁵ *Video Programming Competition Report*, 32 FCC Rcd 568, at ¶7.

in 2005 to an average of \$1.68 in 2017. For 2017, the total came to \$9.42 billion, “up 24.3% from an estimated \$7.99 billion in gross retransmissions revenue in 2016 and represented 26% of total TV station revenue. It was also 12 times greater than the \$762.4 million recorded back in 2009 when payments averaged \$0.19 per sub per month.”¹⁶ CBS, one of corporations asking the FCC to relax the CTA rules alone received over \$1 billion in broadcast retransmission fees in 2016.¹⁷ Kagan projects that revenues from retransmission will grow to \$12.8 billion by 2023.¹⁸

C. Adopting the NPRM’s proposed modifications would harm the public

The NPRM makes eleven tentative conclusions and seeks comment on other proposals, but makes no attempt to quantify or analyze the impact these changes would have on the availability, accessibility and quality of children’s educational programming. Although the NPRM states that the proposed changes are intended to “modify outdated requirements” and “give broadcasters greater flexibility in serving the educational and informational needs of children,”¹⁹ in fact, it proposes major changes that if adopted, would have significant and detrimental effects on children.

¹⁶ Mary Collins, *Forecasting the Future for Retrans Revenue*, TVNewsCheck, May 11, 2018, <https://tvnewscheck.com/article/113507/forecasting-the-future-for-retrans-revenue/>.

¹⁷ Press Release, CBS Corporation, CBS Corporation Reports 2016 Fourth Quarter and Full Year Results (Feb. 15, 2017), (<http://investors.cbcorporation.com/news-releases/news-release-details/cbs-corporation-reports-2016-fourth-quarter-and-full-year>).

¹⁸ SNL Kagan, a media research group within the TMT offering of S&P Global Market Intelligence, *Broadcast retransmission and Virtual Service Provider Carriage Fee Projections Through 2023* (July 2017). Similarly, the American Cable Association estimates an 88% percent increase in retransmission fees by 2020. Press Release, American Cable Association, ACA Survey Reinforces Real-life Fallout of Contentious Retrans Negotiations (Feb. 16, 2018) (<http://www.americancable.org/corporate-broadcasters-force-exorbitant-rate-increases-on-cable-customers/>).

¹⁹ NPRM at ¶1.

1. Adopting the proposals would dramatically reduce the overall amount of E/I programming on the air

The NPRM claims it is no longer necessary to require more than 3 hours per week of core programming²⁰ because children’s educational programming is available on other platforms.²¹ It therefore tentatively concludes that the Commission should eliminate the rules adopted in 2004 requiring that broadcast stations providing multiple program streams provide additional hours of core programming (“multicast guideline”). The NPRM, however, provides no data on the impact of this change.

In fact, there is every reason to believe that this change alone would substantially reduce the amount of children’s educational programming produced and made available on broadcast television. The NPRM even observes that as of February 2016, DTV stations offer more than 5,500 digital multicast channels.²² Assuming that each channel has 3 hours of E/I programming, eliminating the multicast guideline could and probably would result in the loss of 16,500 hours of core programming.

Of course, the impact of eliminating the multicast guidelines will vary depending on the market. To understand the likely effect, IPR staff reviewed the Children’s Television Reports filed by full power commercial television stations in different size markets for the first quarter of 2018 to determine the number of core hours they reported airing. Nearly all stations reported multicasting, and as a result, the total number of core hours available increased. The result are summarized below.

²⁰ Core programming is programming specifically designed to education or inform children that is regularly scheduled, full length and meets certain other criteria. *See Policies and Rules Concerning Children’s Television Programming*, MM Docket No. 93-48, Report and Order, 11 FCC Rcd 10660 (1996) (*1996 Order*).

²¹ NPRM at ¶52.

²² NPRM at ¶17.

DMA	Rank	# of Stations	Minimum Hours Required on Primary Channels	Core Hours Shown On Primary Channels	Core Hours On Multicast	Total Hours Shown (Multicast + Primary)	% of Core Programming Shown On Multicast
NY	1	17	51	53	229	282	81%
DC	6	8	24	24.5	152	176.5	86%
St. Louis	21	7	21	21.5	139	160.5	87%
Birmingham	44	9	27	30.5	169	199.5	85%
Knoxville	61	7	21	24.5	117.5	142	83%
Rochester	76	4	12	13.5	30.5	44	69%
Charleston	92	4	12	13	30.5	43.5	70%

These results also suggest that most stations provide the number of hours need to satisfy the guidelines and little more, and that the overwhelming majority of the programming provided is on multicast channels. Thus, it is reasonable to assume that if the FCC were to eliminate the multicast guideline, most stations would provide only 3 hours of children’s programming, and that the amount of children’s programming available overall would plummet.

The NPRM also asks whether even the 3 hour guideline is still needed.²³ Based on past experience, eliminating the guideline would lead to a severe decline in children’s educational programming, even though the CTA remains in effect. When the FCC first adopted rules implementing the CTA, it afforded broadcasters a great deal of flexibility. It imposed no quantitative standards, stated that short format programming and PSAs could qualify as programming designed to educate and inform. It defined “children” to include up to age 16, and defined qualifying programming as that “furthers the positive development of the child in any respect.”²⁴ It required licensees to include a summary of their children’s educational

²³ NPRM at ¶42-43.

²⁴ 6 FCCR 2111, 2114-15 (1991).

programming and other efforts in their applications for renewal and left the form of that summary up to the broadcasters.

The Center for Media Education, the forerunner to CDD, along with IPR, conducted a study of the of license renewal applications filed after the CTA had taken effect. This review of 58 television stations in 15 metropolitan areas revealed that “overall, television broadcasters [were] not making a serious effort to adequately serve the educational and informational needs of children.”²⁵ Further, it found that many stations were not providing the information required by the FCC, and that many stations claimed that cartoons such as *Tiny Toon Adventures*, *Casper*, and *GI Joe* were educational.

In response to the concerns expressed by CME and others, FCC launched the Notice of Inquiry in Docket No. 93-48 (“NOI”) in 1993.²⁶ Based on the comments, it proposed changes in an NPRM issued in 1995.²⁷ In 1996, the FCC concluded that its initial regulations implementing the CTA had not been effective in increasing the amount of educational and informational broadcast programming for children.²⁸ Thus, the FCC adopted the three-hour processing guideline, provided a clearer definition of programming specifically designed to children’s educational needs, adopted initiatives to increase parents’ awareness of children’s educational programming, and adopted new record keeping and reporting requirements. This experience shows that broadcast television stations will provide little or no children’s educational programming in the absence of a quantitative guideline.

²⁵ A Report on Station Compliance with the Children’s Television Act 3 (Sept. 29, 1992). A copy of this report is attached.

²⁶ *Notice of Inquiry*, 8 FCC Rcd 1841, 1842 (1993).

²⁷ *Notice of Proposed Rule Making, Policies and Rules Concerning Children's Television Programming and Revision of Programming Policies for Television Broadcast Stations*, 10 FCC Rcd 6308 (1995).

²⁸ *1996 Order* at 10660.

We can look at history to see that the broadcasters offer insufficient children's programming when given the option to do so, but we can also look at the present. Children's content has suffered from falling viewership, and without being required to provide programming that meets children's needs, there is little reason to expect that broadcasters will do so. For instance, realizing that shows that target kids 13-16 years of age meet the core programming requirement but do not have ad limits, networks began abandoning Saturday morning programming for kids under 13. Fox was the first network to abandon programming for young children in 2008, followed by ABC in 2011, CBS in 2012, the CW in 2014, and NBC in 2016.²⁹ Commercial cable channels, like Disney and Nickelodeon, have also seen declining viewership for their children's shows, and the likelihood that these channels will diversify by offering additional educational content is slim at best.³⁰ Disney Channel alone lost about 4 million subscribers between 2014 and 2017.³¹

2. Allowing stations to move all children's educational programming to the multicast streams would make it much less accessible to the public

The NPRM tentatively decides to eliminate the requirement that 3 hours of core programming be available on a station's primary channel.³² This proposal is based on the NAB's assertion that even if a station devotes a significant portion or the entirety of another stream to children's educational programming that it is irrational to also require the station to air 3 hours of

²⁹ David Robb, *Preteen Saturday Morning Kid's Shows Abandoned by Broadcast Networks*, Deadline, June 20, 2016, <https://deadline.com/2016/06/kids-tv-shows-saturday-mornings-fcc-loophole-advertising-1201774658/> (discussing the significant drop in viewership for children's cable programming due to increased viewing of YouTube and Netflix).

³⁰ Joe Flint and Ben Frtiz, *Disney's Channels: Children Are Tuning Out*, Wall Street Journal (July 4, 2017) <https://www.wsj.com/articles/disneys-channels-kids-are-tuning-out-1499166003>

³¹ *Id.*

³² NPRM at ¶ 49.

core programming on their primary channel.³³ If there were extensive evidence that commercial stations do, in fact, devote a significant portion of a multicast stream to children’s educational programming, the NAB’s proposal might make sense. But NAB cites no examples, and CME/CCFC are not aware of any stations that do this.

Requiring 3 hours on the primarily channel is both rational and good policy. When the 2004 order was adopted, the transition to digital television had not yet occurred in many areas. Thus, the requirement ensured that households that could not receive digital signals would at least have some educational children’s programming.³⁴ Even today, nearly a decade after the digital transition was completed, many households do not receive the multicast channels. That is because on September 9, 2004, the Commission interpreted the “must carry” requirement in the Cable Act to apply solely to the primary program stream of local television stations.

The NPRM cites no data on viewership of multicast channels, but all indications are that it is quite small.³⁵ It does acknowledge that “[m]any families cannot access or afford the broadband speeds necessary for streaming and have trouble paying for monthly pay-TV subscription services.³⁶ But the NPRM asserts an unsupported belief that “permitting broadcasters to air their Core Programming on a multicast stream would be the surest way to provide needed flexibility while at the same time allow broadcasters to continue serving [low-

³³ *Id.* citing NAB Comments at 37.

³⁴ See *Children’s Television Obligations Of Digital Television Broadcasters*, MM Docket No. 00-167, Second Report and Order, 71 FCC Rcd 64154, at ¶ 14 (2004) (*2004 Order*).

³⁵ See *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, 32 FC.C. Rcd. 568 at ¶ 112 (2017) (citing National Association of Broadcasters, 2015 Television Financial Report at 2). National Association of Broadcasters 2016 Television Financial Report estimated that only 1.1 percent of an average station’s total net revenue was from multicast channels.

³⁶ NPRM at ¶ 50.

income families]”³⁷ This belief ignores the fact that, either by necessity or choice, many low-income households subscribe to the lower priced cable packages that do not include the multicast channels. Thus, adopting this rule change could deprive children living in such households of any access to educational children’s programming.

3. Adopting the proposals would make it harder for parents to find children’s educational programming

The NPRM tentatively concludes that if the FCC does decide to retain a quantitative guideline, it should eliminate most of the current criteria for “core” programming that may be counted toward meeting the guideline. Core programming must be at least 30 minutes in length, aired between 7 am and 10 pm, and be regularly scheduled.³⁸

The NPRM asserts that these criteria are no longer needed because “appointment viewing” has declined due to increased use of DVRs.³⁹ However, the data it relies on in the NPRM describes adults from age 18 to 34, not children.⁴⁰ And even if children are watching fewer TV programs at the time they air, parents still need to be able to find the programs to record them on a DVR. How can they possibly do this if the programs are not identified as E/I, are not listed in program guides, and are not regularly scheduled?

³⁷ *Id.*

³⁸ NPRM at ¶ 20-24.

³⁹ Joe Flint and Ben Frtiz, *Disney’s Channels: Children Are Tuning Out*, Wall Street Journal (July 4, 2017) <https://www.wsj.com/articles/disneys-channels-kids-are-tuning-out-1499166003>; Lucas Shaw, *Netflix-Loving Kids Are Killing Cable TV*, Bloomberg (April 25, 2018) <https://www.bloomberg.com/news/articles/2018-04-25/netflix-loving-tykes-tune-out-nickelodeon-in-kid-tv-s-worst-year> (finding that the rating at Nickelodeon, Disney Channel and Cartoon Network have been decreasing rapidly).

⁴⁰ *Id.* at 16, n.77.

4. Eliminating reporting requirements would make it impossible to enforce any remaining program requirements

The NPRM tentatively concludes that the quarterly Children’s Television Report should be changed to an annual filing and include much less information.⁴¹ While it may be possible to reduce the reporting requirements without reducing their utility, the NPRM seems intent on depriving the public and the FCC of the means to verify broadcasters’ claims regarding their service to children. If there is no viable way to verify the claims made by licensees when their licenses come up for renewal, any remaining rules will be unenforceable.

In sum, adopting most of the proposals in the NPRM would hurt an important but vulnerable segment of our society – children – and unjustly enrich large, wealthy corporate broadcasters. This is not a good deal for the public, nor is the FCC permitted to do this consistent with the Communications Act, as amended.

II. The availability of children’s programming by means other than broadcast television is no reason to change the children’s television rules

The NPRM asks, “given the abundance of children’s programming available today from various sources, including PBS, cable networks, over-the-top video providers, Internet sites, and video on demand, is a quantitative processing guideline for television stations still needed?” The answer to that question is yes– the guidelines are still needed.

The FCC has previously considered claims that it should take into account the availability of children’s programming through other media in the *1996 Children’s Television Order*.⁴² There, the FCC rejected broadcasters’ arguments that it should assess the overall availability of educational programming in the video marketplace. It concluded that “the proper focus in this

⁴¹ NPRM at ¶ 30.

⁴² *1996 Order* at 10660.

proceeding should be on the provision of children's educational programming by broadcast stations, not by cable systems and other subscription services such as direct broadcast satellite systems that, in contrast to broadcast service, require the payment of a subscription fee.”⁴³ The FCC noted that broadcasting was a “ubiquitous service, which may be the only source of video programming for some families that cannot afford, or do not have access to, cable or other subscription services.”⁴⁴

While the landscape of children’s programming has changed since that time, the broadcasters’ fundamental obligations to the public have not. The NPRM provides no information about whether and how much of the programming available to children in this new “landscape” is specifically designed to educate and inform children. While the Commission suggests ‘Over-The-Top’ (OTT) options like Netflix, Amazon, and Hulu streaming packages or online services like YouTube are interchangeable with educational programming offered by broadcasters,⁴⁵ it ignores that the kids’ offerings of these companies need not meet any educational standard, and often don’t. And even if there is a substantial amount of educational programming, the fact remains that many children cannot access non-broadcast programming.

A. Many families cannot afford non-broadcast alternatives

The NPRM’s suggestion that the availability of children’s programming on cable networks, on websites, and through streaming services provides an adequate substitute for commercial broadcasters’ educational and informational programming overlooks the stark reality

⁴³ *1996 Order* at 10681.

⁴⁴ NPRM at ¶43 (citations omitted). The FCC also noted that the House Report found that “the new marketplace for video programming does not obviate the public interest responsibility of individual broadcast licensees to serve the child audience.” *Id.*, citing House Report at 6.

⁴⁵ *1996 Order*, at 10681.

that many American families cannot afford these services. Nearly 8 in 10 Americans live paycheck to paycheck.⁴⁶ Even paying \$15.00/month can be out of the reach for many low-income households.⁴⁷

1. Cable and satellite services are too expensive for many households

Cable and satellite services that provide children’s programming are not feasible alternatives to broadcast due to their cost. The table below summarizes data from the FCC’s most recent Video Competition Report showing that the costs of cable and satellite packages with 200 or more channels ranges from \$40 to \$80 per month.⁴⁸ The cost of a 200-channel subscription was used because the smaller ‘skinny’ packages do not include the even the most popular children’s channels such as Disney and Nickelodeon.

Provider ⁴⁹	Cost of 200+ Channel Package per month
AT&T U-verse	\$50
CenturyLink	\$44.99
Comcast	\$59.99
Cox	\$53.99
DIRECTTV	\$70
DISH Network	\$64.99
Time Warner Cable	\$49.99-\$79.99
Verizon	\$74.99

⁴⁶*Children’s Television Programming Rules*, MB Dkt. No. 18-202, 44 (2018) (Rosenworcel dissent); *Opening Comments of Low Income Consumer Advocates*, MM Dkt. No. 99-360, filed Feb. 2018, at 8.

⁴⁷ *Opening Comments of Low Income Consumer Advocates*, MM Dkt. No. 99-360, filed Feb. 2018, at 8.

⁴⁸ Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, 32 FCCR 568, at ¶44 (2017) (“Video Programming Competition Report”).

⁴⁹ *Id.*

In addition to subscription fees, most subscribers must lease equipment from their providers. Together, the total comes to about \$100 a month. As Commissioner Rosenworcel points out in her dissent, 59% of Americans can barely save \$100 a month.⁵⁰ Given the high cost, it is not surprising that Americans have been abandoning cable and satellite services in droves. Cable and satellite subscribers have been declining since 2013 with a loss of about 1.1 million video subscribers in 2015 alone.⁵¹ The cost of subscribing to cable has been increasing in large part due to the demands of broadcast television stations for higher retransmission fees, which cable companies pass on to subscribers.⁵²

2. Broadband is neither available nor accessible to all

Most of the other alternatives to broadcast are not as accessible as the NPRM implies. The FCC has long recognized that broadband is not universally available across America. Rather, broadband accessibility varies drastically by location. While only 2.1% of Americans live in urban areas without access to broadband, over 30% of rural Americans do not have access to broadband at home.⁵³

⁵⁰ *Children's Television Programming Rules*, MB Dkt. No. 18-202, 44 (2018) (Rosenworcel dissent).

⁵¹ *Video Programming Competition Report*, 32 FCC Rcd 568, at ¶5. see Brad Adgate, *Cord Cutting Is Not Stopping Any Time Soon*, FORBES (Dec. 7, 2017) <https://www.forbes.com/sites/bradadgate/2017/12/07/cord-cutting-is-not-stopping-any-time-soon/#7b898f085ef0>; Todd Spangler, *Why Cord-Cutting Soared in 2017: High Cost of Pay TV was No. 1 Factor*, VARIETY (Mar. 16, 2018) <https://variety.com/2018/biz/news/cord-cutting-2017-high-cost-cancellation-pay-tv-1202728922/>; Nathan McAlone, *Get ready for traditional TV to have historically brutal subscriber losses this quarter*, BUSINESS INSIDER (Jun. 6, 2017) <https://www.businessinsider.com/cable-tv-subscriber-losses-q2-chart-2017-6>.

⁵² See American Cable Association, *Press Release: ACA Survey Reinforces Real-life Fallout Of Contentious Retrans Negotiations* (Feb. 16, 2018) (<http://www.americancable.org/corporate-broadcasters-force-exorbitant-rate-increases-on-cable-customers/>).

⁵³ *2018 Broadband Deployment Report*, 33 FCCR 1660 at ¶50 (2018).

Even when broadband services are available, they are often not affordable. As the Commission has recognized, affordability of broadband services is a key component of broadband access.⁵⁴ The average package for stand-alone broadband in 2017 was about \$66.17.⁵⁵ Roughly one-third of households with incomes below \$50,000 and children ages 6-17 do not have a high-speed internet connection at home.⁵⁶ This low-income group makes up about 40% of all families with school-age children in the United States, which is a significant portion of the children that educational programming should be able to reach.⁵⁷

3. Additional expenditures are needed to watch OTT programming

The broadband prices quoted above, do not include any activation or installation fees. Nor do they include the cost of the equipment needed to view the programming. Watching videos online or OTT requires a computer, smart television or a mobile device. Researchers have found that low-income children are far less likely to have access to computers, tablets and smartphones.⁵⁸ A recent study by Common Sense Media found that 92% of higher-income teens

⁵⁴ U.S. Gen. Accounting Office, GAO-18-630, *FCC's Data Overstate Access on Tribal Lands* (2018), 24-25 (For example, in the *National Broadband Plan*, FCC cited affordable access to robust broadband service as a long-term goal, and in its *Strategic Plan 2018–2022*, FCC acknowledged that affordability is an important factor affecting broadband access and a key driver of the digital divide.).

⁵⁵ *Study of broadband pricing in 196 countries reveals vast global disparities in the cost of getting online*, CABLE.CO.UK (November 2017), <https://www.cable.co.uk/broadband/deals/worldwide-price-comparison/>.

⁵⁶ John B. Horrigan, *The numbers behind the broadband 'homework gap,'* PEW RESEARCH CENTER, April 20, 2015; see Census Bureau, *American Community Survey* (2017).

⁵⁷ John B. Horrigan, *The numbers behind the broadband 'homework gap,'* PEW RESEARCH CENTER, April 20, 2015.

⁵⁸ Common Sense Media, *The Common Sense Census: Media Use by Kids Age Zero to Eight* (2017).

(family income >\$100,000/year) have a laptop in their home, compared to 54% of lower-income teens (<\$35,000/year).⁵⁹ Further, 28% of 0-to 8-year olds in lower-income families do not have a home computer, 26% lack access to high-speed internet at home, and 39% do not have cable subscriptions.⁶⁰ Rural populations also have low rates of technology adoption, with adults in rural areas less likely to own mobile devices or to use the internet.⁶¹ Around two-thirds of rural Americans have a smartphone compared to around 83% of those among those living in cities and 78% of those in the suburbs.⁶²

In addition, homes that rely on over-the-top services may have to pay for the programming. Many of the OTT require a monthly or yearly subscription. The table below summarizes the subscription costs and equipment requirements of popular OTT services.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Monica Anderson, *Digital Divide Persists Even as Lower-Income Americans Make Gains in Tech Adoption*, PEW RESEARCH CENTER, April 20, 2015 (“roughly three-in-ten adults with household incomes below \$30,000 a year don’t own a smartphone.”).

⁶² Monica Anderson, *Digital Divide Persists Even as Lower-Income Americans Make Gains in Tech Adoption*, PEW RESEARCH CENTER, April 20, 2015.

SVOD Company	Subscription Cost	Required Devices
Amazon Prime Video ⁶³	\$119/year	Laptop, smart TV, smartphone, or tablet
Netflix ⁶⁴	\$7.99-\$13.99/month	Laptop, smart TV, smartphone, or tablet
Hulu ⁶⁵	\$7.99-\$11.99/month	Laptop, smart TV, smartphone, or tablet

In sum, to access OTT children’s programming, a household would on average need to spend \$60+/month for broadband and at least a \$7.99/month for a SVOD subscription, a device for viewing, the programming. These devices can cost hundreds of dollars.⁶⁶ Families struggling to make ends meet may not have the disposable income to afford these subscriptions or technological devices.

Low-income families that have broadband are likely to have the cheaper internet plans, and less-expensive broadband packages tend to offer fewer Mbps per dollar. Activities that require a lot of data, like HD streaming, require a faster internet speed to work properly.⁶⁷ Since the repeal of the net neutrality rules, which forbade throttling and content discrimination, researchers have found that the largest U.S. telecom companies are slowing internet traffic to and

⁶³ Amazon, *Amazon Prime Price Change*, <https://www.amazon.com/gp/help/customer/display.html?nodeId=202213110> (last visited September 13, 2018).

⁶⁴ Netflix, *Signup*, <https://www.netflix.com/signup> (last visited September 13, 2018).

⁶⁵ Hulu, *What are the costs and commitments for Hulu?*, <https://help.hulu.com/en-us/how-much-does-hulu-cost> (last visited September 13, 2018).

⁶⁶ SVODs differentiate themselves through their content libraries, including through exclusive programs and original programming which are not available on other SVOD competitors. This exclusive programming means that one SVOD may not have the variety of broadcast when it comes to its video offerings. *See Video Programming Competition Report*, at ¶159.

⁶⁷ *See* John Dille, *How Much Should I Be Paying for High-Speed Internet?*, HighSpeedInternet.com, <https://www.highspeedinternet.com/resources/how-much-should-i-be-paying-for-high-speed-internet-resource/> (last visited September 13, 2018).

from video-centric services. YouTube was the most frequent target of throttling, with Netflix and Amazon Prime Video following closely behind.⁶⁸

B. The availability of PBS Kids does not eliminate the need for educational children’s programming on commercial television stations

The NPRM makes frequent reference to PBS Kids, which it describes as “a 24/7 educational children’s multicast channel that reaches 95 percent of households.”⁶⁹ The NPRM, however, makes no mention of the administration’s plans to defund public broadcasting.⁷⁰ Nor does it provide any information about the number of households that use the service. The PBS Kids channel was only launched in January 2017, and it remains to be seen how successful it will be. While its signal may technically reach 95% of households, as explained above, that does not mean that 95% of households actually can view it. But even assuming the service is successful, one multicast channel cannot alone serve all the educational and informational needs of all children.

III. Watching video online and using OTT services exposes children to risks not present on broadcast and cable television

Streaming services like Hulu or platforms like YouTube are not substitutes for children’s educational programming on broadcast television because they are not subject to the FCC’s commercial limits, nor are they required to be educational. In addition, because they may track, profile and serve targeted advertising, children are exposed to risks not presented by broadcast children’s programming.

⁶⁸ Olga Kharif, *YouTube, Netflix Videos Found to Be Slowed by Wireless Carriers*, BLOOMBERG NEWS (September 4, 2018).

⁶⁹ NPRM at ¶17 citing Public Broadcasting Comments at 4; *see also* ¶16.

⁷⁰ *President Trump proposes cutting all federal funds for NPR, PBS, FOX* (February 13, 2018), <http://www.foxnews.com/politics/2018/02/13/trump-proposes-cutting-all-federal-funds-for-npr-pbs.html>).

A. Online and OTT children’s programming is not subject to the FCC’s ad limits and policies

Congress and the FCC both recognize that younger children are developmentally unable to distinguish programming from commercials.⁷¹ While older children may be able to recognize the difference, they do not understand the concept of persuasive intent.⁷²

For these reasons, the CTA and the FCC rules limit the amount of commercial time on children’s programs shown on both broadcast and cable television. In addition, the FCC’s rules and policies prohibit manipulative, deceptive and unfair advertising practices such as “host selling,” the blurring of programming content and commercials,⁷³ and the inclusion of certain web addresses on children’s programming.⁷⁴

As CDD and CCFC have argued in multiple complaints filed with the FTC, much of the children’s programming on YouTube and YouTube Kids would violate the FCC rules.⁷⁵

⁷¹ *Children’s Television Report*, 50 FCC 2d at 11; see American Academy of Pediatrics, Children, Adolescents, and Advertising, 118 PEDIATRICS 6 (Dec. 2006) (“Research has shown that young children—younger than 8 years—are cognitively and psychologically defenseless against advertising.”); Romeo Vitelli, Ph.D., *Television, Commercials, and Your Child*, PSYCHOLOGY TODAY (Jul. 22, 2013) <https://www.psychologytoday.com/us/blog/media-spotlight/201307/television-commercials-and-your-child>.

⁷² Dale Kunkel, Mis-measurement of Children’s Understanding of the Persuasive of Advertising, JOURNAL OF CHILDREN AND MEDIA, 4, 109-117 (2010); Dale Kunkel & Jessica Castonguay, Children and Advertising: Content, Comprehension, and Consequences, in HANDBOOK OF CHILDREN AND THE MEDIA 395, 403 (Dorothy & Jerome Singer eds., 2012).

⁷³ *Childrens Television Obligations of Digital TV Broadcasts*, 19 FCCR 22943, 22948 (2004) (holding that digital television broadcasters must continue to comply with the policies regarding program-commercial separation, host selling, and program length commercials).

⁷⁴ 47 CFR §73.670(b)-(d).

⁷⁵ *Request to Investigate Google’s YouTube Online Service and Advertising Practices for Violating the COPPA* (filed Apr. 9, 2018), <http://www.commercialfreechildhood.org/sites/default/files/develop/generate/tiw/youtubecoppa.pdf>. Complaint, Request for Investigation, and Request for Policy Guidance on the Deceptive Practice of Influencer Marketing Directed to Children (filed Oct. 21, 2016), <http://www.commercialfreechildhood.org/sites/default/files/FTCIfluencerComplaint.pdf>. Supplement to Request for Investigation into Google’s Unfair and Deceptive Practices in

“Unboxing” videos, which show kids opening toys and playing with them, are extremely popular on YouTube. “Of the top 10 most-watched YouTube channels in the US in 2018, two—Ryan ToysReview and FunToys Collector Disney Toys Review—are toy unboxing channels, and they have racked up a combined 38.6 billion views since launching.”⁷⁶ The host of Ryan’s Toy Review, is a 7-year old boy who has made \$11 million a year on YouTube reviewing toys.⁷⁷ Twenty of the top 100 YouTube channels in 2016 were toy channels.⁷⁸ Under the FCC rules, these videos would be considered host selling and could not be shown on broadcast or cable. These unboxing videos appear not only on YouTube but on YouTube kids. On YouTube Kids, children can also watch many branded channels including McDonalds, Barbie, Fisher Price, and LEGO. For example, the LEGO Friends channel has cartoon episodes that promote LEGO Friends, a line of dolls and building sets designed to appeal primarily to girls. These videos intermix commercial and program content in a manner that would violate the FCC’s policy on program-commercial separations and or program length commercials.⁷⁹

Connection with its YouTube Kids App (filed Nov. 24, 2015), <http://www.commercialfreechildhood.org/sites/default/files/YTKsupplement.pdf>.

⁷⁶ Anabelle Timsit, *The Addictive World of Toy Unboxing Videos Gives Kids The Wrong Idea About How To Have Fun*, Quartzly, <https://qz.com/quartzly/1374703/unboxing-videos-will-take-over-the-world/> (September 3, 2018) (describing the phenomenon and the effect of unboxing videos on children).

⁷⁷ John Lynch, *A 7-year-old boy is making \$11 million a year on YouTube reviewing toys*, Business Insider, July 19, 2-18, <https://www.businessinsider.com/ryan-toysreview-6-year-old-makes-11-million-per-year-youtube-2017-12>.

⁷⁸ Stuart Dredge, *How toy unboxing channels became YouTube’s real stars*, The Guardian (April 28, 2016) <https://www.theguardian.com/technology/2016/apr/28/children-toys-unboxing-channels-youtube-real-stars>.

⁷⁹ Indeed, CCFC, DCC and others filed a complaint with the FTC in April 2015, and supplemented in November 2015, alleging that the intermixture of commercial and non-commercial content on YouTube Kids videos intermingled on the platform is unfair and deceptive to children. See CCFC & CDD, *Supplement to Request for Investigation into Google’s Unfair and Deceptive Practices in Connection with its YouTube Kids App* (Nov. 2015), available at <http://www.commercialfreechildhood.org/sites/default/files/YTKsupplement.pdf>.

B. Non-broadcast providers of children’s programming are not required to provide any educational programming specifically designed for children

In the CTA, Congress found that “television can assist children to learn important information, skills, values, and behavior.”⁸⁰ The CTA was intended to increase the amount, quality and diversity of children’s educational programming – not children’s entertainment programming. Of course, good educational programming may also be entertaining, but the converse is often not true.

Congress enacted the CTA because it found that market forces were not sufficient to ensure that commercial stations would provide children's educational and information programming.⁸¹ The FCC found that a quantitative guideline was needed because television stations earn their revenues from the sale of advertising time and prefer to air programming that attracts adults or general audiences, which are larger than child audiences.⁸² In addition, it found that broadcasters have even less economic incentive to provide educational programs for children. Educational programming generally must be targeted at segments of the child audience. An educational program for children aged 2-5, however, may well be of little interest to children aged 6-11 or children aged 12-17. By contrast, an entertainment program for children is more likely to appeal to a broader range of children.⁸³

For this reason, the FCC defined “educational and informational television programming” that would count toward the guideline as “any television programming that furthers the educational and informational needs of children 16 years of age and under in any

⁸⁰ H.R. REP. 101-385 at 14.

⁸¹ S. REP. 102-221 at 9.

⁸² *1996 Order*, 11 FCCR at 10674-75.

⁸³ *Id.* at 10698.

respect, including children's intellectual/cognitive or social/emotional needs” and has “serving the educational and informational needs of children ages 16 and under as a significant purpose.”⁸⁴ In addition, the guidelines require that licensees specify in writing the educational and information objectives of core programming and the age group of the target audience.⁸⁵ They also require that station identify core programs as E/I and that stations make this information available to program guides.⁸⁶

None of these requirements apply to children’s programming shown on cable, on websites or streaming services. While it is likely that some children’s educational programming is available, it would seem (no doubt because of similar market place factors discussed above) that the vast majority of children’s programming is primarily entertainment. The NPRM makes no effort to identify or quantify how much non-broadcast children’s programming is specifically designed to educate or inform.

Much of the children’s programming offered on Hulu Kids, Amazon, YouTube and Netflix was originally produced for cable television by companies such as Disney, Nickelodeon and Cartoon Network, and is not designed with educating children as a specific purpose. Rather, the bulk of these programs are designed primarily to entertain children. Nor does the original programming on the streaming services appear to be designed with a specific purpose to educate children. Some of Amazon’s original kids’ shows are described as follows:

- “Lost in Oz, an exotic environment filled with wizards, witches, flying monkeys, talking scarecrows and other magical creatures;”

⁸⁴ *Id.* at 10698, 10700.

⁸⁵ *Id.* at 10704.

⁸⁶ *Id.* at 10714; *see also* 2004 Order, at 64154 (extending these requirements to multicast channels).

- “Danger & Eggs, [about-] a girl with blue hair and a relentless appetite for doing things she shouldn't be doing;” and
- “Niko and the Sword of Light, [where] the ghostly Princess Lyra tries to summon a champion to defeat the powers of darkness.”⁸⁷

Similarly, Netflix ‘s original commissioned children’s programs include:

- “NEXT GEN, an off-beat action/comedy that tells the story of the unlikely bond between a girl and her combat robot as they team up to defeat a madman's plans for domination” and
- “The Dragon Prince, where “Dark Magic...[starts] a catastrophic war between Xadia and the Human Kingdom.”⁸⁸

Google’s original content, as described below, does not appear to be designed with education as a significant purpose, but rather to plug YouTube celebrities and encourage young people to make content for YouTube.

- *Hyperlinked*, a show that follows the five members of the tween girlband L2M as they create a website for young girls;
- *Dan TDM Creates A Big Scene*, a series starring British YouTube creator Daniel Middleton and several of his animated friends;

⁸⁷ Michael Hewitt, *Kids’ Shows You’ll Want To Watch Too*, Amazon (accessed September 24, 2018), <https://www.amazon.com/primeinsider/video/kids-shows-pv.html>.

⁸⁸ Next Gen, Netflix Media Center (accessed September 24, 2018) <https://media.netflix.com/en/only-on-netflix/286565>; The Dragon Prince, Netflix Media Center, <https://media.netflix.com/en/only-on-netflix/287199>.

- *The Kings of Atlantis*, an animated series set in the underwater city of Atlantis and starring YouTubers “Cody and Joe”;
- and *Fruit Ninja: Frenzy Force*, another animated show that follows four “Fruit Ninjas” as they fight evil using “Juice Jitsu.”⁸⁹

Thus, the proposals in the NPRM would contravene the CTA and Congressional intent both by allowing excessive and deceptive advertising and by reducing the amount of programming specifically designed to educate children.

C. Children watching videos online are more likely to be exposed to inappropriate content

Children who watch videos online are more likely to encounter inappropriate programming. In May 2015, CCFC and CDD filed a letter with the FTC complaining that YouTube Kids was showing video that were not only unsuitable but potentially harmful to children.⁹⁰ For example, they found:

- Explicit sexual language presented amidst cartoon animation
- A profanity-laced parody of the film *Casino* featuring Bert and Ernie from Sesame Street
- Graphic adult discussions about family violence, pornography and child suicide
- Jokes about pedophilia and drug use
- Modeling of unsafe behaviors such as playing with lit matches

⁸⁹ Tom Huddleston Jr., *YouTube Red Is Launching Original Kids/ Programming*, Fortune (February 15, 2017), <http://fortune.com/2017/02/14/youtube-red-kids-programs/>.

⁹⁰ *Letter Re: Request for Investigation into Google’s Unfair and Deceptive Practices in Connection with its YouTube Kids App*, Campaign for a Commercial-Free Childhood (May 19, 2015), http://www.commercialfreechildhood.org/sites/default/files/FTC_youtube_update.pdf.

- Advertising for alcohol products

Although YouTube said it would do a better job monitoring what was allowed on YouTube Kids, incidents of this type still occur regularly. In November 2017, for example, there were numerous reports about videos on YouTube Kids “with well-known characters in violent or lewd situations and other clips with disturbing imagery, sometimes set to nursery rhymes.”⁹¹ It has been shown that YouTube’s recommendation algorithms prioritize extreme content—the more the dramatic or outlandish a video is, the more likely a viewer is to click on it, keeping such videos on the site for longer and producing more revenue for YouTube.⁹²

Digital platforms designed to keep users logged on for as long as possible may also be damaging to children’s development. As explained by the Center for Humane Technology, the “race to keep children’s attention trains them to replace their self-worth with likes, encourages

⁹¹Sapna Maheshwari, *On YouTube Kids, Startling Videos Slip Past Filters*, N.Y.T. (Nov, 27, 2017), <https://www.nytimes.com/2017/11/04/business/media/youtube-kids-paw-patrol.html>. See also Louise Matsakis, *The Logan Paul Video Should Be A Reckoning For YouTube*, Wired (January 1, 2018), <https://www.wired.com/story/logan-paul-video-youtube-reckoning/> (discussing the fallout when Paul, whose following is primarily 8-14 year-olds, streamed a video that included the body of someone who had committed suicide); see also, Brian Koerber, *Logan Paul thinks his demographic is 20-somethings, and he’s so wrong*, Mashable (February 1, 2018) <https://mashable.com/2018/02/01/logan-paul-young-fans-demographic/#eRbm2xbEREq2> (discussing the young age of Paul’s viewers)..

⁹²Zeynep Tufekci, *YouTube, The Great Radicalizer*, N.Y.T. (March 10, 2018), <https://www.nytimes.com/2018/03/10/opinion/sunday/youtube-politics-radical.html>; Jack Nicas, *How YouTube Drives People To The Internet’s Darkest Corners*, W.S. J. (February 7, 2018), <https://www.wsj.com/articles/how-youtube-drives-viewers-to-the-internets-darkest-corners-1518020478> (quoting current and former YouTube engineers who helped build the recommendation algorithm that it was designed to be ““sticky”—to recommend videos that keep users staying to watch still more”). An investigation conducted by the Wall Street Journal found that the YouTube recommendation algorithm frequently led users to channels that spread conspiracy and misinformation, even when users hadn’t previously viewed or searched for videos on similar topics. Jack Nicas, *How YouTube Drives People To The Internet’s Darkest Corners*, W.S. J. (February 7, 2018), <https://www.wsj.com/articles/how-youtube-drives-viewers-to-the-internets-darkest-corners-1518020478>.

comparison with others, and creates the constant illusion of missing out.”⁹³ Younger children, especially may become transfixed by a screen because the visual and auditory elements are designed to attract and maintain attention, sometimes regardless of content.⁹⁴ Many have raised concerns about the effect that extended screen time has on the psychological development of young children.⁹⁵

D. Children watching videos online or via streaming services may be tracked, profiled and targeted with manipulative advertising

Because broadcast television delivers the same program to many people at the same time and thus was not designed to collect data from viewers and target ads to them individually. But the same is not true of many other sources of children’s programming.

Children are a very lucrative market for advertisers, who want to target them when they are on their mobile devices, gaming platforms and other online services. Companies like Amazon and Hulu enable marketers to develop ways to identify a single person, and track them

⁹³ See, e.g., *Our society is being hijacked by technology*, The Problem- Center for Humane Technology, <http://humanetech.com/problem/>; see also Baroness Kidron, Alexandra Evans and Jenny Afia, *Disrupted Childhood: The Cost of Persuasive Design*, 5Rights (June 2018), <https://www.basw.co.uk/system/files/resources/disrupted-childhood.pdf> Features such as app notifications, autoplay, "likes" and messages that self-destruct—all of which are designed to draw the user to the platform and extend their use of it-- have been demonstrated to have particularly strong effects on children, particularly due to their susceptibility to instant gratification; see Caroline Korr, *The Sneaky Science Behind Your Kid's Tech Obsession*, COMMON SENSE MEDIA, January 9, 2018; see also Lauren E. Sherman, Ashley A. Payton, Leanna M. Hernandez, Patricia M. Greenfield, and Mirella Dapretto, *The Power of the Like in Adolescence: Effects of Peer Influence on Neural and Behavioral Responses to Social Media*, 27 PSYCHOLOGICAL SCIENCE, Issue 7, 1027 – 1035 (2016).

⁹⁴ Melissa Willets, *Inside the Creepy, yet Addictive World of Kids' YouTube Videos*, PARENTS.COM, <https://www.parents.com/fun/entertainment/inside-kids-youtube-videos-songs/>.

⁹⁵ Nellie Bowles, *Early Facebook and Google Employees Form Coalition To Fight What They Built*, N.Y.T., (Feb.4, 2018), <https://www.nytimes.com/2018/02/04/technology/early-facebook-google-employees-fight-tech.html>.

24/7—including in schools or at the playground. These “cross-device” identity profiles enable marketers and others to track and microtarget a child, a practice that would likely violate COPPA as well as the intent of the CTA to protect children from unfair or deceptive advertising.

In April, CDD, CCFC and others alleged that YouTube, which has many popular channels directed at children, has been collecting data from children and using it to create profiles and to target children with personalized advertising in violation of COPPA.⁹⁶ And Google is not the only one that seems to be tracking and marketing to children. For example, a recent visit to the National Geographic Kids’ Video section, found 16 trackers, including 9 advertising trackers.⁹⁷ One of those, Adobe Marketing Cloud Audience Manager, collects scores of personally identifiable and sensitive information, all of which it shares with other third parties.⁹⁸ Similarly, PBS Kids’ website⁹⁹ was found to have advertising trackers, including Google AdSense, DoubleClick, and Google IMA.¹⁰⁰

Some streaming platforms seem to track and profile children. For example, the kids portal for Hulu includes a ‘suggestions’ tab, indicating that it offers suggestions based on viewing behavior, but does not indicate whether Hulu sells or otherwise monetizes that information.¹⁰¹ Like Hulu, Netflix enables parents to make a child-specific profile for a child within a family account, and it is similarly unclear whether the company tracks its child users.

⁹⁶ Request to Investigate Google’s YouTube Online Service and Advertising Practices for Violating the Children’s Online Privacy Protection Act i-ii (April 2018) (on file with IPR).

⁹⁷ See Figure 2. The advertisers were Google AdSense, DoubleClick, Adobe Audience Manager, Tremor Media, Integral Ad Science, Videology, Google Publisher Tags.

⁹⁸ About Adobe Marketing Cloud (Audience Manager), Ghostery, (accessed September 19, 2018) https://apps.ghostery.com/en/apps/adobe_audience_manager; Adobe Experience Cloud privacy, Adobe (May 2018) <https://www.adobe.com/privacy/marketing-cloud.html>.

⁹⁹ <http://pbskids.org/video/>.

¹⁰⁰ Figure 3.

¹⁰¹ *What is a Kids profile*, Hulu, <https://help.hulu.com/en-us/kids-profile> (accessed September 19, 2019).

Thus, while digital programming platforms may offer new forms of content for children, they also expose them to risks that broadcast television does not.

IV. Conclusion

The Commission observed in its NPRM that the television landscape has changed, and it has. But what hasn't changed is the Commission's legal commitment under the Children's Television Act to ensure that all families—not just the ones who can afford it—can access quality educational programming. Modifying the rules such that companies would create less programming, and what remained would be less accessible, does not uphold the Commission's obligations under the Children's Television Act, nor its obligations to the public interest.

Respectfully submitted,

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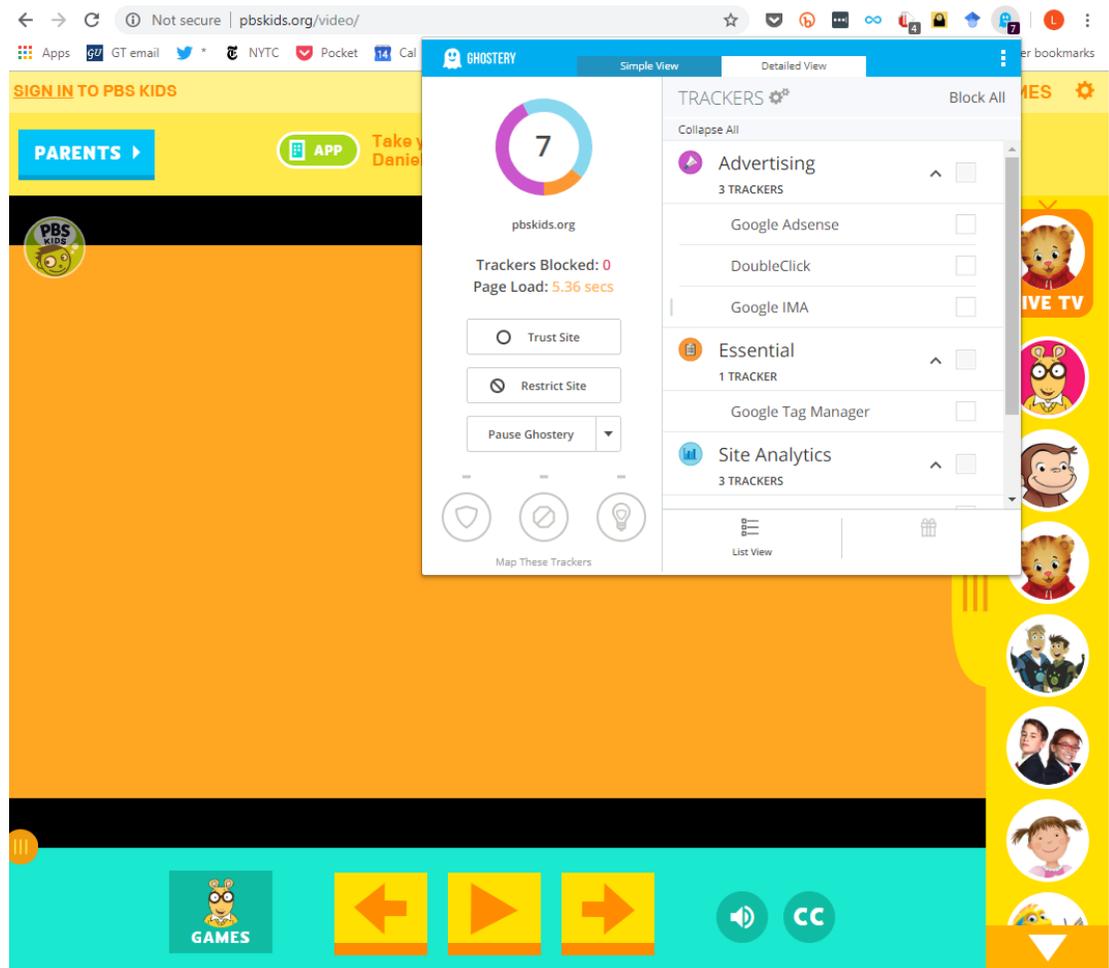
V. Appendix

Figure 1: A Report on Station Compliance with the Children’s Television Act 3
(Sept. 29, 1992 (see attached))

Figure 2: Screenshot of Advertising Trackers on a Sample National Geographic Kids.Org Session



Figure 3: Screenshot of Advertising Trackers on a Sample PBS Kids.Org Session



**A REPORT ON STATION COMPLIANCE WITH THE
CHILDREN'S TELEVISION ACT**

Prepared by

**Center for Media Education
Institute for Public Representation, Georgetown University Law Center**

September 29, 1992

In 1990, after years of studies and testimony from child development experts, educators, and broadcast industry representatives, Congress enacted the Children's Television Act. Noting that television plays an influential role in the lives of children, and that "on average, a child spends more time watching television than he or she spends in school," lawmakers concluded that TV broadcasters -- particularly commercial television -- needed to do better in "providing unique and positive educational opportunities for children."¹

"Our children are this nation's most valuable resource, and we need to pay special attention to their needs," declared one Congressional report. "Study after study has demonstrated that students in the United States are lagging badly behind those of the rest of the world. Today, we are finding that far too many of our children cannot read, add and subtract, or understand the meaning of important events."²

The Children's Television Act was intended by Congress to "increase the amount of educational and informational broadcast television programming available to children."³ To achieve this end, the Act requires broadcasters -- as a condition of license renewal -- to serve the educational and informational needs of children through their overall programming, "including programming specifically designed to meet those needs."⁴ Under the provisions of the new law, all commercial television stations must submit a list of their children's programming efforts to the Federal Communications Commission every five years when their licenses come up for renewal.

¹H.R. Rep. No. 385, 101st Cong, 1st Sess. 5 (1989)

²S. Rep. No. 227, 101st Cong., 1st Sess. 5 (1989).

³S. Rep. No. 227, 101st Cong., 1st Sess. 1 (1989).

⁴ Children's Television Act of 1990, Pub. L. No. 101-437, 101st Cong., 1st. Sess. (codified at 47 U.S.C. § 303b(a)(2)).

October 1, 1992 marks the end of the first year since this new law took effect. The Center for Media Education, in collaboration with Georgetown University Law Center's Institute for Public Representation, has been reviewing the license renewal applications of all commercial stations in the first eight states where stations were required to file under the provisions of the new law.⁵ For this report, we selected 15 metropolitan areas ranked by size according to area of dominant influence (ADI) as listed in *Broadcasting Yearbook*.⁶ In order to obtain a broad sample covering a wide range of market sizes and geographical areas, we selected five large, five midsize and five small markets, distributed as evenly as possible over the eight states we were examining.⁷ We examined renewal applications from a total of 58 stations, which included 15 ABC affiliates, 13 CBS affiliates, 12 NBC affiliates, 8 Fox affiliates, and 10 independent stations.

The purpose of our examination was to find out how stations are responding to the programming requirements of the Children's Television Act. We were particularly interested in what efforts had been made to provide programs "specifically designed" to serve the educational and informational needs of children, aged 2-16, as required by the new law. (Though the FCC has ruled that short-segment programs, including vignettes and PSAs may qualify as "educational and informational" programming required by the law, the Commission has also made clear that "broadcasters must air some standard-

⁵ Arkansas, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee.

⁶ *Broadcasting and Cable Marketplace (1992)* ("Broadcasting Yearbook"). The markets are: Detroit, MI; Cincinnati, OH; Nashville, TN; New Orleans, LA; Louisville, KY; Jackson, MS; Baton Rouge, LA; Fort Smith, ARK; Traverse City - Cadillac, MI; Terre Haute, IN; Laurel - Hattiesburg, MS; Jonesboro, ARK; Jackson, TN; Bowling Green, KY; and Lafayette, IN.

⁷ The 15 markets actually include 62 stations. However, one station, WGPR in Detroit, did not have an application available at the FCC as of September 9; one station, WGMB in Baton Rouge, received its license in 1991, and so was not due to file for renewal until 1997; and two stations, WCCL in New Orleans and WNTZ in Jackson, MS, were off the air.

length children's programs in order to fulfill this requirement." *Emphasis added.*)⁸

We also examined how broadcasters were reporting their compliance efforts and whether or not they were complying with the minimum reporting requirements of the FCC. Our purpose was not to evaluate program content, but rather to identify patterns in the overall response to this new law and to assess the degree to which the law is having the effect intended by Congress.

MAJOR FINDINGS:

1. Our examination reveals that overall, television broadcasters are not making a serious effort to adequately serve the educational and informational needs of children.

We have found a pattern of disturbing industry practices which raise serious questions about the broadcasting industry's commitment to fulfill the mandate of the Children's Television Act. Though some new programs have been created in direct response to the new law, a significant number of stations are scheduling them at times when they are virtually inaccessible to the audiences they were designed to reach. It is also evident that reporting requirements established by the Federal Communications Commission to determine station compliance are grossly inadequate.

2. Many stations are not providing the minimum information required by the Commission.

Over a quarter of the stations in our sample failed to provide the required information as to date, time, and duration of the programs cited as educational and informational.⁹

⁸Policies and Rules Concerning Children's Television Programming, Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations, 6 FCC Rcd 5093, 5101 (August 26, 1991). ("August Order").

⁹Policies and Rules Concerning Children's Television Programming, Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements

We also found that because the FCC has made reporting requirements so lax, stations are allowed to submit summaries of their programming efforts in any form they choose. Station submissions varied from a single page to more than 50 pages. Rather than identifying which programs were "specifically designed" to serve the educational and informational needs of children, many stations lumped all their programming into such vague categories as: "programs specifically designed for children," programs "which contain elements of information/educational material," or "programs broadcast on this station providing significant treatment of issues for kids."

One submission from an independent station in Louisville, Kentucky consisted entirely of twenty-two pages describing sixty-five episodes of the syndicated series *Widget*, accompanied by a statement from the syndicator asserting that its show is "FCC friendly."¹⁰ Another station in Jackson, Mississippi submitted a list of "good and wholesome entertainment for our viewers age 16 and under," which consisted of 24 programs, 23 of which were cartoons such as *Alvin and the Chipmunks*, *Tom and Jerry's Kids*, and *James Bond, Jr.* "Each program does, of course, have commercial content," the statement explained, "but represents the commitment this station has to providing quality entertainment to the children of our viewing area and community."¹¹

3. While a handful of new "specifically designed" informational and educational programs for children are now airing on a regular basis on some stations, many licensees are treating them as token "FCC shows" and scheduling them in marginal time periods.

A small number of new syndicated live action/magazine news programs are appearing on license renewal applications as evidence of compliance with the

for Commercial Television Stations, 6 FCC Rcd 2111, 2116 (April 12, 1991) ("April Order"), aff'd in part 6 FCC Rcd 5093 (August 26, 1991). ("August Order").

¹⁰License renewal application, WBNA, Louisville, Kentucky.

¹¹License renewal application, WDBD, Jackson, Mississippi.

Children's Television Act. (These programs – *Not Just News*, *Wide World of Kids*, *K-TV*, *Way Cool*, and *Scratch*. – are routinely referred to in the industry as "FCC compliance shows.") However, according to those stations that did provide program times, nearly 60% of these series are scheduled between 5:30 and 7:00 A.M.

A station in New Orleans proudly described *Wide World of Kids* as a program which is "especially educational for those children in the New Orleans viewing area who rarely, if ever, get to travel to other areas of the the United States and the world. This educational program will open up young minds to be more receptive in school lessons." The station broadcast one episode of the series every Saturday during the sixteen week period between October 1, 1991 and January 31, 1992. During that time, the program was repeatedly shifted in the schedule, airing four times at 12:30 P.M., six times at 6:00 A.M., and six times at 5:30 A.M.¹²

Another station described *Scratch* as a weekly "magazine style show targeted to teens age 12-17, a fast paced program that includes entertainment features and real-life stories that reflect the values and issues facing today's youth. Serious issues tackled include teen AIDS, runaways, DUI, gang violence, teen pregnancy and many other hard issues." This show was scheduled on Saturday mornings at 6:00 A.M.¹³

4. Many broadcasters are responding to the new law's programming requirements primarily by inserting "pro-social" content or "educational moments" into entertainment programs, or by redefining standard cartoon fare in educational terms.

Many of the license renewal applications examined included plot summaries of entertainment cartoons describing the actions of the characters in

¹²License renewal application, WVUE-TV, New Orleans, Louisiana

¹³ License renewal application, WDIV, Detroit, Michigan

ways that make them sound educational. For example, in the file for WGNO, New Orleans, Louisiana, we found 9 pages describing the plots of such animated syndicated series as *Tiny Toon Adventures*, *Bucky O'Hare*, *Tale Spin*, *Ducktales*, *Chip 'n' Dale Rescue Rangers*, *Casper*, and *GI Joe*. Typical plot descriptions included:

Chip 'n Dale Rescue Rangers: "The Rescue Rangers stop Cheddarhead Charlie from an evil plot. The rewards of team efforts are the focus in this episode."

Bucky O'Hare "Good-doer Bucky fights off the evil toads from aboard his ship. Issues of social consciousness and responsibility are central themes of program."

GI Joe: "The Joes fight against an evil that has the capabilities of mass destruction of society. Issues of social consciousness and responsibility are show themes."¹⁴

An NBC affiliate described the following episodes from the Saturday morning cartoon line-up as "specifically designed to serve the educational and informational need of children 16 and under:" *Super Mario Brothers: 4* : "Yoshi learns to have more self confidence;" *Yo Yogi!*: "Snag learns that he can capture the bank-robbing cockroach more successfully by using his head, rather than his muscles;" *Captain N*: "Kevin learns the meaning of teamwork;" and *Prostars*: "Jennifer Twist runs away to New York City and finds that being a runaway can be frightening."¹⁵

These cleverly-crafted plot summaries suggest that the broadcasting industry has devised a conscious strategy of redefining virtually all entertainment programs for children as "educational and informational." The practice is best described in the license renewal application of a station not included in our market sample: "[T]he bulk of the network's Saturday morning

¹⁴The station grouped all the programs together under the heading: "Summary of WGNO Television's response to the educational and informational needs of children, through programming which furthers the development of children age 16 and under in any respect including their intellectual/cognitive or social/emotional needs."

¹⁵License renewal application, WDIV-TV, Detroit, Michigan

6. Most of the programming that broadcasters cite in their efforts to comply with the law falls into the vague category of "pro-social," while little of the programs appear to be serving the informational needs of children.

In the definition adopted by the FCC, programming is educational and informational if it "furthers the positive development of the child in any respect, including the child's cognitive/intellectual or emotional/social needs."²⁰ It was hoped that this definition would fulfill the intent of Congress in passing the Act to allow licensees the flexibility to meet children's needs in creative and diverse fashions.²¹

Broadcasters appear to have seized upon the second part of the FCC definition and are focusing most of their attention on social needs, while failing to serve cognitive/intellectual needs. "Pro-social" has become a term of art among the broadcasters that allows them to describe almost anything in terms that sound vaguely beneficial. Because it is so easy to apply the "pro-social" label to children's entertainment, shows bearing this tag predominated among the programs listed as specifically designed for children.

7. Very few stations are airing any locally-produced programs which are designed to served the educational and informational needs of children.

Ten of the 58 stations in our sample reported producing locally originated regularly scheduled half-hour programs. Only one station however, WWL, New Orleans, stated in its renewal application that it had created a show – *Our Generation* – in response to the Children's Television Act. Another station, WAFB, Baton Rouge, LA, did say that its show, *Kids' Jamboree*, is "specifically designed for the education of children under the age of 12 in the moral and ethical areas of life." Unfortunately, the show airs at 6:00 A.M. on Sundays.²² A

²⁰August Order 6 FCC Rcd at 5099.

²¹ See Reply Comments of the Donald McGannon Communication Research Center at 7 (filed February 20, 1991).

²²License renewal application, Baton Rouge, Louisiana.

local Detroit show called *Kidbits*, featuring "science demonstrations geared toward elementary school children," was scheduled at 6:30-7:00 a.m. on Saturdays and 5:30 A.M. on Sundays.²³

8. Some stations are including programs in their filings that are unrelated to the requirements of the Children's Television Act.

The law stipulates that broadcasters will be evaluated on the basis of their overall programming efforts. As the FCC explained: "General audience programming can contribute, as part of the licensee's overall programming, to serving children's needs pursuant to the Act. It does not by definition, however, satisfy the additional requirement that licensees air some programming 'specifically designed' to serve the educational and informational needs of children."²⁴

Many broadcasters appropriately included in their renewal applications general audience programming that may serve children's needs. However, we also found numerous instances where stations have compiled lists of general programming unrelated to the needs of children. Among the most egregious examples was a station that listed several pages of programs under the category of "general audience programming which contributes to satisfying children's educational and informational needs." Included in the list were three programs -- *Hard Copy*, *CNN Headline News*, and a local newscast-- all of which were scheduled after midnight. (One of them was on at 2:35-3:10 A.M.) The same station listed several broadcasts of *The Donahue Show* and *The Jerry Springer Show* -- dealing with such topics as "Parents who allow their teenagers to have sex at home" and "How does a kid become a killer?" -- all airing on weekdays at 10:00 A.M.²⁵

²³License renewal application, KDIV, Detroit, Michigan.

²⁴April Order, 6 FCC Rcd at 2115

²⁵License renewal application, WLWT, Cincinnati, Ohio,

RECOMMENDATIONS:

After evaluating the response of stations in our market sample to the mandate of the Children's Television Act, we make the following recommendations:

- 1. The Federal Communications Commission should conduct an inquiry to determine whether the broadcasting industry is meeting the mandate of the Children's Television Act.**
- 2. The FCC should adopt strict reporting requirements to enable policymakers to evaluate broadcaster compliance with the law.**
- 3. Congress should hold oversight hearings into the broadcasting industry's compliance with the Children's Television Act.**

Acknowledgements

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A sample of station license renewal submissions and related materials documenting compliance with the Children's Television Act.*

***Some of these stations also filed other documentation, including packets provided by the networks.**

ATTACHMENT 9A

KFSM-TV

CHILDREN'S EDUCATIONAL AND INFORMATIONAL PROGRAMMING

(October 1, 1991 - December 31, 1991)

JANUARY 10, 1992

OCTOBER 1 - OCTOBER 5, 1991

10/04/91 12N-12:30pm Noon On 5

OCTOBER 6 - OCTOBER 12, 1991

10/07/91 12N-12:30pm Noon On 5

OCTOBER 27 - NOVEMBER 2, 1991

10/28/91 12N-12:30pm Noon On 5
10/30/91 12N-12:30pm Noon On 5

NOVEMBER 3 - NOVEMBER 9, 1991

11/04/91 6-6:30pm 1st Team News at 6pm
11/04/91 10-10:30pm 1st Team News at 10pm

NOVEMBER 10 - NOVEMBER 16, 1991

11/11/91 6:30-7am 1st Team News at 6:30am
11/11/91 6-6:30pm 1st Team News at 6pm
11/12/91 6-6:30pm 1st Team News at 6pm
11/13/91 12N-12:30pm Noon On 5
11/13/91 10-10:30pm 1st Team News at 10pm
11/15/91 6:30-7am 1st Team News at 6:30am
11/15/91 12N-12:30pm Noon On 5
11/15/91 10-10:30pm 1st Team News at 10pm
11/15/91 10-10:30pm 1st Team News at 10pm

NOVEMBER 17 - NOVEMBER 23, 1991

11/18/91 12N-12:30pm Noon On 5
11/21/91 5-5:30pm 1st Team News Live at 5
11/21/91 10-10:30pm 1st Team News at 10pm

KFSM-TV

JANUARY 10, 1992

PROGRAM INFORMATION
OCTOBER 1ST THROUGH DECEMBER 31, 1991

Following are descriptions of regularly scheduled and special programs, which are, in our judgement, designed to serve the educational and informational needs of children within the meaning of the children's Television Act of 1990.

THE LITTLE RASCALS

Saturdays and Sundays, effective 10/5/91

6:00am to 6:30am

Half Hour program

This program presents the classic Hal Roach Little Rascals features.

SUPERBOY

Saturdays, effective 10/5/91

7:30am to 8:00am

Half Hour program

This program is based on the fictional character "Superman" but develops the story lines surrounding the character as a young man. Superboy as Clark Kent challenges evil and saves Capitol City as the program presents GOOD as it triumphs over EVIL.

EIGHT IS ENOUGH

Sundays

6:30 am

One Hour Program

This program shows a large family confronting the loss of wife and mother and living with a single parent and eight children in situations that allow the viewer to identify and understand the pain and pleasure in a loving family.

FAMILY

Sundays

7:30 am

One Hour Program

This program shows family relations in situations that are contemporary and designed to show the conflict, discussion and resolution of personal and family issues.

ZOO LIFE MAGAZINE

Sunday

3:00 pm

This special program presents information about animal life and is directed to children.

ZOO LIFE MAGAZINE

Sunday, (OTO) 12/22/91

3:00 pm

This special program presents information about animal life and is directed to children.

SOUL CHILDREN'S CHRISTMAS

Saturday, (OTO) 12/21/91

1:30pm

This one hour program presented groups of children singing the songs of Christmas.

WVLA-TV
BATON ROUGE, LA

EXHIBIT I

CHILDREN'S PROGRAMS

Programs aired by WVLA which contain elements of information/educational material since October 1, 1991 are listed herewith.

1. SUPER MARIO BROTHERS, 8-8:30 AM, Saturday
10/5/91, 11 min. - Self-confidence
2. ADVENTURES OF MARK & BRIAN, 6-6:30 PM, Sunday
10/6/91, 30 min. - Learning about firemen
10/27/91, 30 min. - Military basic training.
3. YO, YOGI, 7:30-8 AM, Saturday
10/19/91, 30 min - Brains instead of muscles.
11/23/91, 11 min. - Not what you wear, but what you are.
11/23/91, 11 min. - Truth
4. CAPTAIN N, 8-8:30 AM, Saturday
10/19/91, 11 min. - Teamwork
5. PROSTARS, 8:30-9 AM, Saturday
10/19/91, 30 min. - Illegal toxic dumping
11/23/91, 30 min. - Gangs
11/30/91, 30 min. - Runaways
12/7/91, 30 min. - Overcoming handicaps.
6. SAVED BY THE BELL, 10-10:30 AM, Saturday
10/26/91, 30 min. - Ecology.
11/16/91, 30 min. - Competitiveness & education.
12/7/91, 30 min. - Homelessness
12/14/91, 30 min. - Homelessness
12/21/91, 30 min. - Having surgery.
12/21/91, 30 min. - Reliability & trustworthiness.
7. SPACECATS, 7-7:30 AM, Saturday
11/2/91, 30 min. - Pollution & toxic waste
8. I'LL FLY AWAY, 8-10 PM, Mon.
10/7/91, 120 min. - Relationships between black and white families in the
1960's.
9. THE COSBY SHOW, 7-7:30 PM, Thursday
10/10/91, 30 min. - Academic goals
11/7/91, 30 min. - Science & Nature museum field trip.
11/14/91, 30 min. - Etiquette and career counseling
10. A DIFFERENT WORLD, 7:30-8 PM, Thursday
10/10/91, 30 min. - Tutoring.
12/5/91, 30 min. - Slavery as a part of history.
11. I'LL FLY AWAY, 7-8 PM, Tuesday
10/15/91, 60 min. - Rules of the game.
12/10/91, 60 min. - Dangerous chicken match.

WVLA-TV
BATON ROUGE, LA

12. BLOSSOM, 7:30-8 PM, Monday
 10/21/91, 30 min. - Lie to get a job?
 11/4/91, 30 min. - Drug & alcohol intervention.
13. FRESH PRINCE, 7-7:30 PM, Monday
 11/4/91, 30 min. - Compassion for overweight people.
 12/9/91, 30 min. - Something for nothing.
14. WALTER & EMILY, 7:30-8 PM, Saturday
 11/23/91, 30 min. - Learning to work hard.
15. THE STORY LADY, 8-10 PM, Monday
 12/9/91, 120 min. - Inter-generational reading.
16. TORKELENSONS, 6:30-7 PM, Sunday
 12/22/91, 30 min. - Adult education.
17. JAMES BOND, JR., 3-3:30 PM, M-F, 30 min.
 Animated, James Bond, Jr. is junior secret service agent to
 fights for good against evil. Many of the episodes feature
 information on geography, acquainting children with cities and countries
 around the world. Some story lines include science information.
- | | |
|----------------|-----------------------------|
| 10/1/91, #015 | - Paris |
| 10/2/91, #028 | - Washington, D. C. |
| 10/3/91, #005 | - Egyptian Oil Fields |
| 10/4/91, #017 | - Greek Holidays |
| 10/7/91, #022 | - Cryogenics |
| 10/8/91, #036 | - Hong Kong |
| 10/10/91, #001 | - Paris |
| 10/11/91, #020 | - New York |
| 10/12/91, #012 | - Egypt |
| 10/15/91, #044 | - City covered with lava. |
| 10/16/91, #010 | - Earthquakes |
| 10/17/91, #024 | - Caribbean Island |
| 10/21/91, #048 | - Scotland |
| 10/22/91, #006 | - Macau |
| 10/24/91, #021 | - British Secret Service |
| 10/25/91, #028 | - Washington, DC |
| 10/28/91, #052 | - Bahamas |
| 10/29/91, #026 | - Plutonium-nuclear reactor |
| 10/30/91, #038 | - German castle. |
| 11/5/91, #008 | - Pamplona |
| 11/6/91, #046 | - Himalayas |
| 11/7/91, #031 | - Mexico, Pyramids |
| 11/8/91, #033 | - Titanium Ore |
| 11/11/91, #054 | - Monte Carlo |
| 11/12/91, #040 | - Russia |
| 11/14/91, #060 | - Paris |
| 11/15/91, #041 | - Italy |
| 11/18/91, #011 | - Clairvoyant |
| 11/19/91, #030 | - Italy, DaVinci painting |
| 11/22/91, #007 | - Hong Kong |
| 11/25/91, #047 | - Rio |

WVLA-TV
BATON ROUGE, LA

- | | |
|----------------|------------------------|
| 11/26/91, #015 | - Peru, Earthquake |
| 11/27/91, #017 | - Greece |
| 11/29/91, #005 | - Egyptian oil fields |
| 12/3/91, #020 | - New York, NY |
| 12/4/91, #036 | - Hong Kong |
| 12/5/91, #001 | - Paris |
| 12/6/91, #044 | - Lava Burried City |
| 12/9/91, #012 | - Egypt |
| 12/10/91, #024 | - Caribbean Island |
| 12/12/91, #048 | - Scotland |
| 12/13/91, #010 | - Earthquakes |
| 12/17/91, #006 | - Macau |
| 12/18/91, #021 | - British Sec. Service |
| 12/19/91, #026 | - Plutonium |
| 12/20/91, #038 | - Germany |
| 12/23/91, #052 | - Bahamas |
| 12/24/91, #003 | - Japan |
| 12/26/91, #046 | - Himalayas |
| 12/27/91, #031 | - Mexican Village |
| 12/30/91, #033 | - Titanium ore. |
18. **GROWING PAINS, 6-6:30 PM, M-F, 30 MIN.**
Oct. 1 - Dec. 31, 1991
- Situation comedy depicting typical family, father, mother, 3 children. Each episode has a member of the family becoming involved in situations that affect the entire family, how they cope with it, and the lesson learned from same.
19. **THE BILL COSBY SHOW, 6:30-7 PM, M-F, 30 MIN.**
Oct. 1 Dec. 31, 1991
- Situation comedy portraying black family in upper level income bracket. Family members work closely together solving problems in comical way, but teaching family values.
20. **WAY COOL, 6:30-7 AM, SATURDAY, 30 MIN.**
- | | |
|---------------|--|
| Oct. 5, 1991 | - Live action comedy series with music and humor, deals with issues that are of importance to young viewers. |
| Oct. 12, 1991 | - Communication |
| Oct. 19, 1991 | - Family |
| Oct. 26, 1991 | - Friendship |
| Nov. 2, 1991 | - Maturity |
| Nov. 9, 1991 | - Popular Culture |
| Nov. 16, 1991 | - Responsibility |
| Nov. 23, 1991 | - Brothers & Sisters |
| Nov. 31, 1991 | - Imagination |
| Dec. 7, 1991 | - Ethics |
| | - Identity |

WVLA-TV
BATON ROUGE, LA

Dec. 14, 1991 - Health
Dec. 21, 1991 - Future
Dec. 28, 1991 - Fear

21. MAN IN THE SANTA CLAUS SUIT, 1-3 PM, SAT. 12/7/91, 120 MIN.
Christmas story teaching values of friendship, love, family, and trust.
22. PEARL HARBOR REMEMBERED, 11:30 AM - 12:30 PM, SAT. 12/7/91, 60 MIN.
Live coverage of the 50th anniversary of Pearl Harbor, Pres. Bush and other dignitaries attend. The history of Pearl Harbor is covered in the special.
23. MIRACLE ON 34TH STREET, 3:30-5:30 PM, SUN. 12/15/91, 120 MIN.
Classic movie featuring faith in Santa, giving, and love.
24. YES, VIRGINIA, THERE IS A SANTA CLAUS, 3-3:30 PM, SUN., Dec. 15, 1991, 30 MIN. Animated, answers the question "is Santa Claus Real" in a way that teaches children faith in giving, love, and trust.
25. A CHRISTMAS CAROL SPECIAL, 7-7:30 AM SUNDAY, 12/22/91, AND 6:30-7 AM, WED. 12/25/91, 30 MIN. EACH
Locally produced, features WVLA's adopted school 4th and 5th grades choir singing carols. North Highland Elementary is a primarily black school.
26. A MOM FOR CHRISTMAS, 8-10 PM, SUNDAY, 12/22/91, 120 MINUTES
Department store mannequin comes to life after little girl wishes for a mom for Christmas. Family learns to love her and wants to keep her.
27. IN THE NICK OF TIME, 8-10 PM, MONDAY, 12/16/91, 120 MINUTES
Nick learns his tenure is about up and he must find a replacement who will possess all the wonderful qualities of Santa Claus.
28. A LITTLE PIECE OF HEAVEN, 8-10 PM, MONDAY, 12/2/91, 120 MINUTES
Story involves orphans who form a family unit of their own, with love and no regard to race or origin.

CHILDREN'S PROGRAMING

The following is a general listing of programing provided by both WDBD Fox 40 and the Fox Network toward the effort of providing good and wholesome entertainment for our viewers age 16 and under. The following programs aired during the months of October 1 through December 31, 1991.

PROGRAM	AIRTIME	DAY
Alvin & The Chipmunks	6:00a - 6:30a	Mon - Fri
Chip & Dale	6:30a - 7:00a	Mon - Fri
Teenage Ninja Turtles	7:00a - 7:30a	Mon - Fri
James Bond Jr.	7:30a - 8:00a	Mon - Fri
Peter Pan & The Pirate	8:00a - 8:30a	Mon - Fri
Dennis The Menace	8:30a - 9:00a	Mon - Fri
Muppet Babies	2:00p - 2:30p	Mon - Fri
Ducktales	2:30p - 3:00p	Mon - Fri
Tailspin	3:00p - 3:30p	Mon - Fri
Beetlejuice	3:30p - 4:00p	Mon - Fri
Darkwing Duck	4:00p - 4:30p	Mon - Fri
Tiny Toon Adventures	4:30p - 5:00p	Mon - Fri
Attack / Killer Tomatoes	8:00a - 8:30a	Mon - Fri
Bobby's World	8:30a - 9:00a	Saturday
Tom and Jerry Kids	9:00a - 9:30a	Saturday
Taz-Mania	9:30a - 10:00a	Saturday
Little Shop Of Horrors	10:00a - 10:30a	Saturday
Bill & Ted's Adventure	10:30a - 11:00a	Saturday
Way Cool	11:00a - 11:30a	Saturday
Bullwinkle	6:00a - 6:30a	Saturday
The Little Mermaid	6:30a - 7:00a	Sunday
Toxic Crusaders	7:00a - 7:30a	Sunday
Bucky O' Hare	7:30a - 8:00a	Sunday
Funtastic World	8:00a - 10:00a	Sunday

The above list represents 23 hours of weekly programing directed at kids under 16. Each program does, of course, have commercial content, but represents the commitment this station has to providing quality entertainment to the children of our viewing area and community.

FOX 40 KID'S CLUB

Toward the effort the station makes to kid's programing and events is the organization of the Fox 40 Kid's Club. This club, sponsored on a local basis by WDBD is a non profit organization striving to plan and execute events around the city that the kids can be a part of. The events that are sponsored by the station are free to all children and offer opportunities for children to become members of the Fox 40 Kid's Club.