



PUBLIC NOTICE

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DA 19-120

Released: February 26, 2019

MEDIA BUREAU SEEKS COMMENT ON TV RATINGS SYSTEM AND THE OVERSIGHT MONITORING BOARD

MB Docket No. 19-41

Comments Due: March 12, 2019

Reply Comments Due: March 19, 2019

1. In this Public Notice, the Media Bureau seeks comment on the accuracy of the television content rating system, known as the TV Parental Guidelines, and the ability of the governing body for TV ratings, the TV Parental Guidelines Oversight Monitoring Board, to oversee the ratings system and address public concerns. In the Consolidated Appropriations Act of 2019 (Act), enacted on February 15, 2019, Congress directed the Commission to report to Congress on these issues within ninety (90) days of enactment, or by May 15, 2019.¹

2. Background. In the Telecommunications Act of 1996, Congress determined that parents should be provided with timely information about the nature of upcoming video programming and with the technical tools that would allow them to easily block violent, sexual, or other programming that they believe is harmful to their children.² Congress also provided that distributors of video programming should be given the opportunity to develop a voluntary system to provide parents with ratings information.³

3. In response to the 1996 Act, the National Association of Broadcasters (NAB), the National Cable Television Association (NCTA), and the Motion Picture Association of America (MPAA) (“the Industry”) jointly submitted to the Commission, on behalf of their members, a system of proposed, voluntary parental guidelines (TV Parental Guidelines) adopted and implemented by television

¹ See Consolidated Appropriations Act, 2019, Pub. L. No. 116-6, Explanatory Statement (H. Rept. 116-9, Division D, Title V, p. 673), 133 Stat. 13 (2019) (Act). The explanatory statement provides: “Oversight Monitoring and Rating System....the FCC is directed to report to the Committees on Appropriations of the House and Senate within 90 days of enactment of this Act on the extent to which the rating system matches the video content that is being shown and the ability of the TV Parental Guidelines Oversight Monitoring Board to address public concerns.”

² See 47 U.S.C. § 303(x) (added by the Telecommunications Act of 1996, Pub. L. No. 104-104, § 551(c), 110 Stat. 56, 141 (1996)). This provision directed the Commission to adopt a V-chip requirement for television sets to allow parents to control the programming that their children watch. All television sets manufactured in the United States or shipped in interstate commerce that met certain size thresholds had to be equipped with a V-chip system effective January 1, 2000. See 47 CFR § 15.120(b).

³ See 47 U.S.C. § 303(w). These ratings apply to video programming distributed by television and by multichannel video programming providers (MVPDs).

broadcasters and networks, cable networks and systems, and television program producers. One of the Industry's commitments was to establish an "Oversight Monitoring Board to ensure that the [TV Parental] Guidelines are applied accurately and consistently to television programming."⁴ In a 1998 Order, the Commission, after consultation with public interest groups and interested individuals from the private sector, found that the Industry's TV Parental Guidelines commitments complied with the 1996 Congressional directive.⁵

4. **TV Parental Guidelines.** The existing TV Parental Guidelines contain both age and content-based ratings. The age-based ratings are: TV-Y (all children); TV-Y7 (directed to older children - age 7 or older); TV-G (general audience); TV-PG (parental guidance suggested); TV-14 (parents strongly cautioned-may be unsuitable for children under 14); and TV-MA (mature audience only - may be unsuitable for children under 17). The content-based descriptors are: V (violence); FV (fantasy violence in older children's programming); S (sexual content); D (suggestive dialogue); and L (strong language in programming). The guidelines apply to most television programming, including both broadcast and cable programming, except for news and sports programming and advertisements.⁶ Ratings information is displayed in the form of an icon at the beginning of, and often after commercial breaks during, all rated programming.⁷

5. The Act directs the Commission to report to Congress on "the extent to which the rating system matches the video content that is being shown."⁸ Some have expressed concern that the TV Parental Guidelines are applied inaccurately and inconsistently to television programming.⁹ In a recent letter to the Commission, the Parents Television Council (PTC) asserted that the content ratings in television programs are "often misleading, or outright deceptive."¹⁰ In particular, the PTC maintains that programs with graphic violence and gun violence are too often rated as appropriate for children.¹¹

⁴ Letter from Jack Valenti, President and CEO, MPAA, Decker Anstrom, President and CEO, NCTA, and Eddie Fritts, President and CEO, NAB, to William F. Caton, Secretary, FCC, dated January 17, 1997, at page 4 (Industry January 17, 1997 letter). A copy of the January 17, 1997 letter is attached as an appendix to the February 7, 1997 Public Notice in CS Docket No. 97-55, Report No. CS 97-6, FCC 97-34 (*Commission Seeks Comment on Industry Proposal for Rating Video Programming*), available online at <https://www.fcc.gov/edocs/search-results?t=quick&fccdaNo=97-34>.

⁵ *Implementation of Section 551 of the Telecommunications Act of 1996, Video Programming Ratings*, 13 FCC Rcd 8232 (1998).

⁶ The rating system used by the film industry is different from the TV Parental Guidelines. The current Motion Picture Association of America ("MPAA") film ratings are: G (general audiences - all ages admitted); PG (parental guidance suggested - some material may not be suitable for children); PG-13 (parents strongly cautioned - some material may be inappropriate for children under 13); R (restricted - under 17 requires accompanying parent or adult guardian); and NC-17 (no one 17 and under admitted). The V-chip uses both rating scales simultaneously when filtering content. See *Implementation of the Child Safe Viewing Act: Examination of Parental Control Technologies for Video or Audio Programming*, Report, 24 FCC Rcd 11413, 11419-20, para. 13 (2009) (*CSVA Report*). More information about the TV Parental Guidelines can be found at <http://www.tvguidelines.org>.

⁷ *Id.*

⁸ See *supra* n. 1.

⁹ See, e.g., *CSVA Report*, 24 FCC Rcd at 11425-26, para. 27.

¹⁰ See Letter from Timothy F. Winter, President, PTC, to Ajit Pai, Chairman, FCC, dated February 12, 2019 (PTC Letter), at 2. A copy of the letter is available in the docket of this proceeding.

¹¹ *Id.*

According to PTC, the academic community has concluded that viewing entertainment violence can increase aggression in children.¹²

6. In order to respond to Congress's directive, we seek comment generally on the accuracy of the ratings being applied to television programming. Are programs with violent, sexual, or other content that may be inappropriate for children being rated accurately? Are both the age and content-based ratings being correctly applied? Are the ratings being applied consistently, or is programming with similar content being rated differently? Is there a type of program content (e.g., violence or sexual content) that is particularly subject to being rated inaccurately or inconsistently? We invite commenters to identify any reports or studies that have been done examining these issues.

7. Oversight Monitoring Board. The Industry's proposal to the Commission regarding the TV Parental Guidelines specifies the Industry's commitment to implement a rating system and to establish an Oversight Monitoring Board.¹³ According to the Industry:

[t]he Oversight Monitoring Board will provide information to producers and other program distributors concerning the [TV Parental] Guidelines, as well as address complaints and requests from the public about the Guidelines and their implementation. The Oversight Monitoring Board will regularly hear the views of parents through an ongoing effort that will explore attitudes about the TV Parental Guidelines and the way in which they are being applied to programming. The Board will also regularly conduct focus groups and commission quantitative studies to determine whether the Guidelines are in fact providing useful information to parents, and will consider any needed changes to them.¹⁴

8. In addition, the Industry committed that "independent, scientific research and evaluation will be undertaken once the V-chip has been in the marketplace."¹⁵ The Oversight Monitoring Board conducted surveys on the TV Parental Guidelines in 2011, 2014, and 2016.¹⁶

9. With respect to the Oversight Monitoring Board, the Act directs us to report to Congress on the ability of the Board to address public concerns.¹⁷ We invite comment generally on this issue. Has the Board taken steps to respond to concerns raised about the accuracy of ratings being applied to television programming or any other issue raised by the public? Has the Board complied with the commitments it made regarding the TV Parental Guidelines?¹⁸ Are the ratings being applied to the video programming the Industry committed to rating? What steps has the Board taken to improve the accuracy of the ratings? Has the Board undertaken any enforcement efforts to ensure that the Industry is applying the ratings and doing so accurately? The Board's website has a link for use by the public to submit questions and

¹² See *A Dress Rehearsal for Tragedy: Violence, Gun Violence, and TV Content Ratings on Prime-Time Broadcast Television*, PTC Mini-Study, rel. March 2018, at 2-3. A copy of the study is available in the docket of this proceeding.

¹³ Industry January 17, 1997 letter at 3.

¹⁴ *Id.* at 4.

¹⁵ Letter from Jack Valenti, President and CEO, MPAA, Decker Anstrom, President and CEO, NCTA, and Eddie Fritts, President and CEO, NAB, to William F. Caton, Secretary, FCC, dated August 1, 1997, CS Docket No. 97-55, at page 6, para. 7 (Agreement on Modifications to the TV Parental Guidelines, July 10, 1997, Research and Evaluation), available online at <https://ecfsapi.fcc.gov/file/2028840002.pdf>.

¹⁶ See <http://www.tvguidelines.org>.

¹⁷ See *supra* n. 1.

¹⁸ See *supra* paras. 7 and 8.

complaints about the ratings.¹⁹ Does the Board respond to comments submitted via the website and, if so, in what way? What other steps, if any, should the Board take to improve its responsiveness to public concerns about the TV ratings?

10. Is there any other information that the Commission should consider and include in its report to Congress?

11. Permit-but-Disclose. This proceeding will be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.²⁰ Persons making *ex parte* presentations must file a copy of any written presentation or memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable, .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

12. Comments and Replies. Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments and Reply Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).²¹

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

¹⁹ See <http://www.tvguidelines.org>.

²⁰ See 47 C.F.R. §§ 1.1200 *et seq.*

²¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

13. Availability of Documents. Comments, reply comments, and ex parte submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW, CY-A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

14. People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

15. Additional Information. For additional information on this proceeding, contact Kim Matthews, Kim.Matthews@fcc.gov, of the Media Bureau, Policy Division, (202) 418-2154. Press contact: Janice Wise (202- 418-8165; Janice.Wise@fcc.gov).

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