

United States Senate

WASHINGTON, DC 20510

December 17, 2018

932

Federal Communications Commission
455 12th Street, Southwest
Washington, DC 20554

Dear Commissioners:

We write regarding the Commission's proposal to revise the children's television programming ("Kid Vid") rules. In 1990, Congress passed the Children's Television Act on a bipartisan basis and established a responsibility on the part of television broadcasters to serve the educational and informational needs of children. Rules subsequently promulgated by the Federal Communications Commission (FCC) ensure to this day that all children have access to quality television programming to help them thrive and grow. Unfortunately, the Commission is currently proceeding with a proposal to weaken the "Kid Vid" rules and, as a result, hamper children's access to beneficial television content. In light of comments recently filed in response to this proposal, we write to encourage you to ensure that all children, regardless of their families' income level or access to high speed internet, continue to have access to the educational programming they deserve. In particular, we urge you to preserve existing rules requiring broadcasters to air three hours of regularly scheduled educational children's programming a week on their primary stations.

Children today benefit from rules requiring broadcasters to air three hours of educational, age-appropriate programming every week. Contrary to arguments made in favor of weakening the "Kid Vid" rules, many Americans continue to consume broadcast television programming. Over 15 million households rely exclusively on free broadcast television, and minority households are particularly dependent on this medium. Approximately 16% of African American households and 20% of Hispanic households depend on over-the-air television.¹ Also, while only 13% of Americans who make over \$100,000 a year rely on free, over-the-air feeds, that number is 30% for Americans with annual salaries less than \$25,000.² Importantly, recent research points to an upward trend in consumption of traditional TV, including an increase of 26% since last year.³ Given the high price of cable television packages and streaming services and the lack of access to fixed, high-speed internet among 24 million Americans, it is unsurprising that millions of American families rely on free broadcast television.⁴ Even if all Americans were able to access and afford over-the-top services, the record fails to provide clear evidence that these alternatives to broadcast television offer significant educational content for kids. It follows that eliminating broadcasters' obligation to air three hours a week of free educational television programming for

¹ Nielsen, The Nielsen Total Audience Report: Q1 2018 11 (2018), <https://www.nielsen.com/us/en/insights/reports/2018/q1-2018-total-audience-report.html>.

² Data provided by Nielsen (2018).

³ Wayne Friedman, TV Dominates, but Digital Media is a Fixture, *Mediapost* (Apr. 17, 2018), <https://www.mediapost.com/publications/article/317716/tv-dominates-but-digital-media-is-a-fixture.html>; Cynthia Littleton, Survey: Local Broadcast TV Still Dominate source of News in 'Fake News' Era, *Variety* (Apr. 8, 2018), <https://variety.com/2018/tv/news/nab-local-tv-broadcast-fake-news-survey-1202747108/>.

⁴ 2018 Broadband Deployment Report, 33 FCC Rcd 1660 (2).

children would diminish kids' ability to consume the information and entertainment they need to become informed and successful adults.

It is also imperative that the FCC maintains the guideline requiring children's programming to be regularly scheduled. Without the ability to accurately anticipate when educational programming will be on the air, parents would not know when it is safe to let their children take a break from homework or playtime to watch television. In an era in which broadcasters frequently air content that is unsuitable for kids, parents need clear expectations about exactly when age-appropriate programming will be available for their children. Moreover, research shows the children learn best when information is repeated and consistent.⁵ Rules requiring broadcasters to air their "Kid Vid" programming on a regularly scheduled basis, therefore, must remain in effect.

The Commission has also proposed allowing broadcasters to air their children's programming on secondary "multicast" stations. Doing so would further decrease children's access to educational television. Viewership of multicast stations is dwarfed by that of broadcasters' primary stations.⁶ In fact, the most popular national secondary channel with children's programming only reaches two-thirds of American households.⁷ Allowing broadcasters to move their children's educational programming to sparsely-viewed secondary channels would lead to less production of new, age-appropriate television and would bring about a troubling reduction in kids' access to the shows that educate and enrich them. Rules stipulating that "Kid Vid" content must be aired on primary stations should be maintained.

Broadcasters enjoy free access to the airwaves that connect them to their viewers and generate their revenue. In return, they are required by law to promote the public interest by meeting reasonable requirements for the enrichment and education of our nation's next generation of entrepreneurs, teachers, small business owners, and public servants. As the Commission considers how it will proceed with the proposal to revise the "Kid Vid" rules, we urge you to put children first.

Thank you for your attention to this important matter.

Sincerely,

| | |
|---|--|
|  |  |
| Edward J. Markey United States Senator | Richard Blumenthal United States Senator |

⁵ Heather L. Kirkorian et al., *Media and Young Children's Learning*, The Future of Children, Vol. 18 No. 1, 39-61, 51 (Spring 2008).

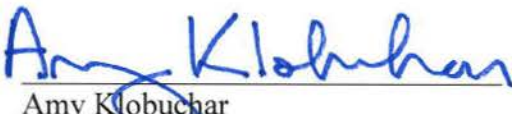
⁶ See Comments of Litton Entertainment MB Dkt. No. 18-202, at ii (filed Sept. 24, 2018).

⁷ Television Bureau of Advertising, *Digital Subchannels and Diginets*, (May, 2017), <https://www.tvb.org/Default.aspx?TabID=1535>.


Gary C. Peters
United States Senator


Sherrod Brown
United States Senator


Tammy Baldwin
United States Senator


Amy Klobuchar
United States Senator


Tammy Duckworth
United States Senator


Elizabeth Warren
United States Senator


Ron Wyden
United States Senator



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 28, 2018

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

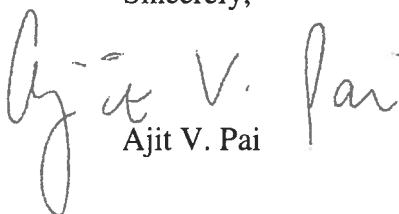
Dear Senator Markey:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ajit V. Pai". Below the signature, the name "Ajit V. Pai" is printed in a standard font.

Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 28, 2018

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

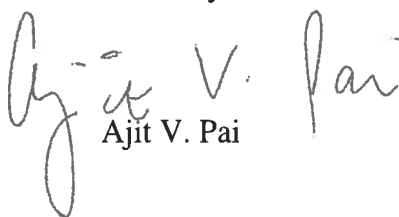
Dear Senator Blumenthal:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 28, 2018

The Honorable Gary Peters
United States Senate
724 Hart Senate Office Building
Washington, D.C. 20510

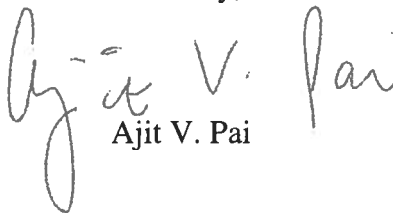
Dear Senator Peters:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 28, 2018

The Honorable Sherrod Brown
United States Senate
713 Hart Senate Office Building
Washington, D.C. 20510

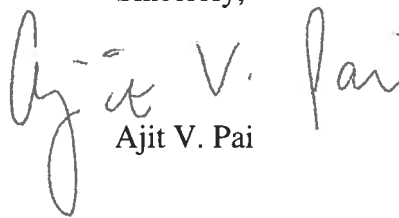
Dear Senator Brown:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ajit V. Pai". The signature is written in dark ink and is positioned above the printed name.

Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 28, 2018

The Honorable Tammy Baldwin
United States Senate
709 Hart Senate Office Building
Washington, D.C. 20510

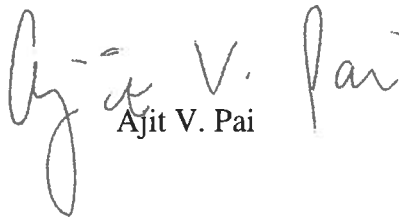
Dear Senator Baldwin:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ajit V. Pai". The signature is fluid and cursive, with the first name "Ajit" and last name "Pai" being more prominent than the middle initial "V".
Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 28, 2018

The Honorable Amy Klobuchar
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510

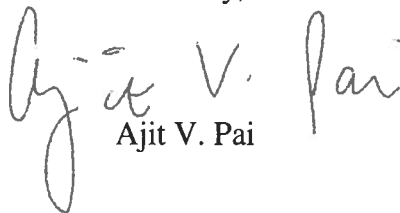
Dear Senator Klobuchar:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 28, 2018

The Honorable Tammy Duckworth
United States Senate
524 Hart Senate Office Building
Washington, D.C. 20510

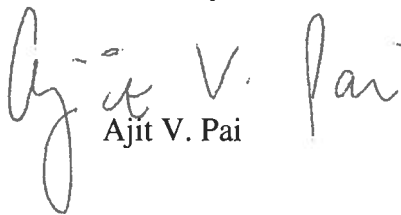
Dear Senator Duckworth:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 28, 2018

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

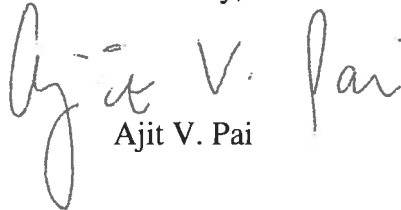
Dear Senator Warren:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 28, 2018

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

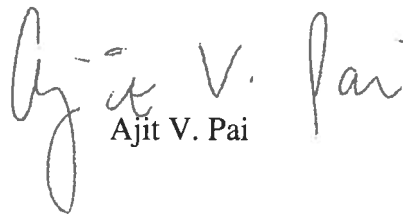
Dear Senator Wyden:

Thank you for your letter regarding the Commission's children's television programming rules. We have a shared goal of ensuring that all children—including those from low-income families—have access to quality educational and informational programming on free, over-the-air broadcast stations. At the same time, we must ensure that all of the Commission's media rules, including those pertaining to children's television programming, reflect the media marketplace of 2018.

As you know, I have asked Commissioner O'Rielly to lead this effort at the Commission. I appreciate hearing your viewpoint on the issues, and I look forward to continuing to work with you, Commissioner O'Rielly, and my other colleagues on this issue in the new year.

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai