



February 4, 2019

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of *Ex Parte* Communication, MB Docket Nos. 18-202, 17-105

Dear Ms. Dortch:

On Thursday, January 31, several television broadcasters and their representatives met with Commissioner Michael O’Rielly to discuss the Commission’s Children’s Television Programming proceeding. A complete list of meeting attendees is included below.

The broadcasters in attendance discussed issues consistent with comments filed by the National Association of Broadcasters (NAB).¹ Specifically, they reiterated that the Commission’s regulatory regime no longer reflects the dynamics of today’s video programming marketplace and the viewing habits of children and their families. They also provided the Commissioner with the attached document highlighting key data points about how children watch video programming today and some consequences of the FCC’s current rules.

Broadcasters remain committed to serving their local communities and children. NAB and its members are seeking the necessary flexibility to allow them to fulfill that important mission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rick Kaplan', with a long horizontal line extending to the right.

Rick Kaplan
General Counsel and Executive Vice President
Legal and Regulatory Affairs

¹ See Comments of NAB, MB Docket Nos. 18-202, 17-105 (Sept. 24, 2018); Reply Comments of NAB, MB Docket Nos. 18-202, 17-105 (Oct. 23, 2018).

Cc: Commissioner O’Rielly

Meeting Attendees

Commissioner Michael O’Rielly

John Feore, *Cooley, LLP*

Robert Folliard, *Vice President & Deputy General Counsel, Gray Television, Inc.*

Victoria Luxardo Jeffries, *Vice President & Assistant General Counsel, Univision Communications, Inc.*

Rick Kaplan, *General Counsel & Executive Vice President, NAB*

Anne Lucey, *Senior Vice President for Regulatory Policy, CBS Corporation*

Emmy Parsons, *Assistant General Counsel, NAB*

Jared Sher, *Executive Vice President & Deputy General Counsel, 21st Century Fox, Inc.*

Jerianne Timmerman, *Senior Vice President and Senior Deputy General Counsel, NAB*

Margaret Tobey, *Senior Vice President, Regulatory Affairs, NBCUniversal Media, LLC*

JANUARY 2019

Issue Summary

The Federal Communications Commission's (FCC) current children's television programming rules (sometimes referred to as "kid vid") are outdated and ineffective. While failing to serve the needs of children, they also undermine local broadcast stations' ability to meet viewers' programming demands. These rules should be updated to better reflect today's marketplace and children's engagement with video content.

Here's Why

When the FCC adopted its children's educational and informational (E/I) programming rules more than two decades ago, broadcast TV was by far the most significant form of video programming available to children and their parents. But the children's video landscape has dramatically changed, providing a plethora of educational options across multiple platforms, from cable channels dedicated solely to children to streaming services and short-form videos.

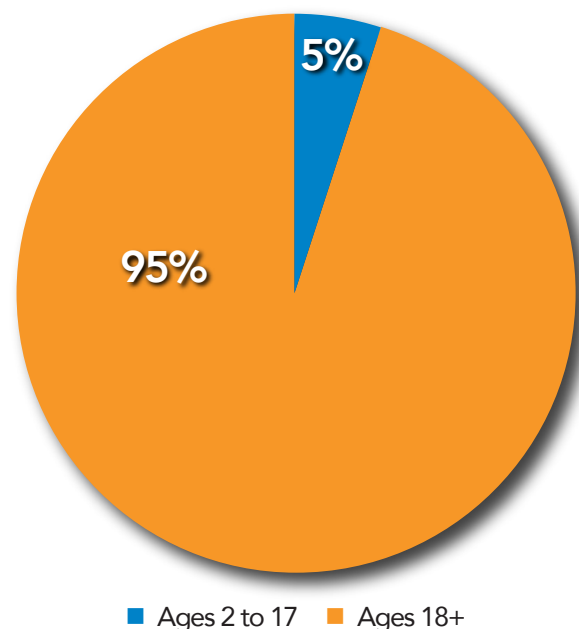
Broadcasters remain committed to serving children and seek the flexibility to reach them in more efficient and effective ways. The current rigid requirements, coupled with declining demand, discourage broadcasters from offering the programming that children and other viewers desire.

The Facts

Children no longer rely on broadcast TV as their primary source of video content:

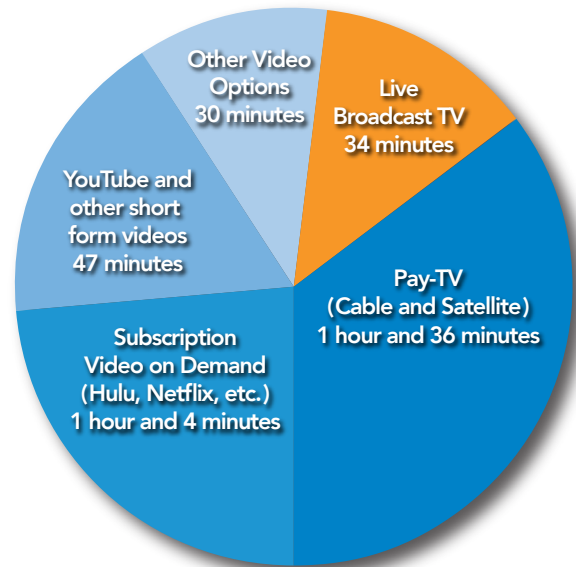
- Saturday morning TV viewing by children of the four major English-language networks has declined by more than 90 percent over the last 30 years.
- On the average Saturday morning in the last year, only 0.58 percent of children ages 2-11 watched the four major networks combined.
- During the 2017-2018 TV season, fewer than 90 children ages 2-17 watched E/I programming via broadcast antenna on the average NBC and CBS station.
- Last year, 95 percent of the audience for children's E/I programming on NBC and CBS stations was ages 18 or older – and about two-thirds was over the age of 55.

Percent of NBC and CBS E/I Programming Viewership by Age



Today, children access video content on a range of devices across several platforms:

- Of the four-and-a-half hours per day that children ages 2-16 spent watching video in 2017, they spent only 34 minutes watching live broadcast TV.
- Only 0.5 percent of TV households with children ages 2-17 lack both pay TV and internet access.
- 98 percent of homes with children have mobile devices, including tablets or smartphones.
- 75 percent of children 8 and younger live in a home with an internet-connected TV.
- 93 percent of teens ages 13-15 report using social media platforms to access video, including Facebook, Instagram, Snapchat, Tumblr or Twitter, 82 percent use YouTube, and 72 percent use Netflix.



TV Viewing of Kids Ages 2 to 16 in 2017
(Hours per day)

In response to viewer demand, broadcasters continue to increase their investment in local and national news coverage, live sports and public interest programming. Unfortunately, the current children's video programming rules make it difficult for stations to find time to air the content viewers want and the required children's TV programming. Broadcasters are increasingly forced to forego airing other programming because of rigid children's TV rules.

To meet children's programming requirements, stations have reported:

- Breaking into extended weather coverage;
- Foregoing a six-week community forum on the opioid epidemic;
- Declining to cover local parades and other events; and
- Declining to air extended weekend morning news shows.

The Bottom Line

The FCC should update its rules to reflect today's video marketplace and give broadcasters the flexibility to better serve children and their communities.