

**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

**REPLY COMMENTS OF ION MEDIA NETWORKS, INC.**

ION Media Networks, Inc. (“ION”) hereby submits these reply comments in support of the modernization of the Commission’s children’s programming rules.<sup>1</sup>

**I. ION Is Strongly Committed To Serving the Programming Needs of Children.**

As the Commission is aware, ION is one of the most dedicated commercial providers of free over-the-air children’s programming in the television industry today.<sup>2</sup> ION’s commitment to serving the public interest through the distribution of children’s programming is manifest in its offering of **qubo**, a 24 hour/7 day a week over-the-air television network, which is distributed free to the public as a multicast on each of ION’s 65 stations. Since 2007, ION’s qubo has aired almost 6 times the amount of children’s educational and information programming required by the Commission’s rules.<sup>3</sup>

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<sup>1</sup> See Children’s Television Programming Rules, Modernization of Media Regulation Initiative, *Notice of Proposed Rulemaking*, MB Docket Nos. 18-202 and 17-105, FCC 18-93 (rel. July 13, 2018).

<sup>2</sup> See *id.* at ¶18 & n.87 (citing Letter from Brandon Burgess, Chairman and Chief Executive Officer, ION Media Networks, to Commissioner Michael O’Rielly, Federal Communications Commission, at 1 (June 19, 2018) (the “ION Letter”)).

<sup>3</sup> See ION Letter at 1.

ION has made a substantial investment in developing, producing, and airing free, over-the-air children's programming, and that investment is driven by viewer needs and desires.

- ION currently airs 111 hours of E/I content per week representing 66% of the current schedule;
- ION focuses investments on children's educational entertainment, and 57% of its current programming inventory is E/I;
- qubo introduced 8 new programs in 2018 as ION continues to provide children with entertainment that offers positive role models and good values.

ION's investment in qubo has been recognized nationally for producing excellent programming and promoting healthy values.

- The qubo original series "Giver" won the 2018 Emmy for Outstanding Education or Informational Series;
- 100% of qubo's food-based advertisers meet nationally approved nutritional guidelines. In fact, ION hired a nutritionist to assist in writing our guidelines to advertisers;
- The Center for Science in the Public Interest cited qubo a B on its food marketing policy, the highest grade for any media company.

Unsurprisingly, ION's viewers have responded strongly to ION's qubo initiative, giving the company high marks for its service to children. ION conducted a 17-month survey on qubo.com where we surveyed over 30,000 qubo viewers about their opinion of the network. Of the respondents, 97.7% agreed that qubo is "educational, family-friendly, safe, and has good values." 95.5% of respondents submitted a written testimonial, and 97.1 % of those testimonials were positive. A few examples of these testimonials follow:

- *"The programming is educational, and entertaining. We appreciate quality storytelling that features positive role models who promote good values. Qubo Channel does not exclude caregivers and provides a family friendly environment, where adults and children enjoy watching the shows together."* - Machea A., AL
- *"Qubo is the best tool a parent could have to give their children a leg up in the world. Easy way for children to learn right from wrong. Thanks Qubo."* - Jerry B., MO

- *“Qubo is a place I can let my children go to and don't have to worry about what they are seeing or hearing. Thanks Qubo for standing up for children and families.” - Keisha W., FL*
- *“I love your station. It is much better than the other national kids stations. I have a 2-year-old and an 8-year-old and there are wholesome shows for them to view any time of the day. Thank you.” - Suzanne R., NY*
- *“My whole family enjoys the wholesome program lineup on Qubo. I like that the programing is safe for all ages and promotes strong family values.” -Beth H., TX*
- *“Thank you for taking the time to answer my e-mail! I really do like Qubo and think that what you offer is a great opportunity for kids to enjoy safe cartoons. - while we can't protect our kids from the assault of inappropriate media that is out there.” - Toni A., UT*

Regardless of the results of this proceeding, ION intends to continue enthusiastically serving the needs of children in the same way it has for the past decade. All qubo programming is free to any viewer with an over-the-air antenna, and it is available on a number of cable systems across the country.

## **II. The Commission Can and Should Modernize the Children’s Programming Rules Without Compromising Service to Viewers.**

While ION will remain dedicated to serving the needs of children through top-quality, values-based educational programming regardless of the outcome of this proceeding, ION agrees with the Commission that the nearly 30-year-old rules on this topic are ripe for review. The Commission should seek to develop rules that protect access to over-the-air children’s programming without imposing needless burdens on broadcasters or enforcing scheduling rules that run at cross-purposes with providing a safe programming space for children. Children make up 23% of the population and are disproportionately poor. The Commission’s main focus should be on protecting their access to free over-the-air programming.

**A. The Commission Should Reform Its Children's Programming Reporting Rules.**

One area that ION strongly encourages the FCC to review is its current children's programming reporting requirements. ION's first quarter reports for its 65 television stations totaled more than 2600 pages, averaging 41 pages per station. These forms are difficult to read and understand, and it is highly unlikely that many (if any) parents make use of them when making programming choices for their children. Today's parents make use of the many available and easy-to-use programming guides that are in print and online. It doesn't help parents or their children to require broadcasters to go through the motions of filing voluminous forms with the Commission that are an inferior alternative to more readily available information they can use to identify quality children's programming.

ION supports the proposals of NAB and others to reform the children's programming reporting requirements to eliminate this burdensome, unhelpful paper work, while maintaining the Commission's ability to make sure broadcasters are satisfying their obligations to serve children.<sup>4</sup> An annual summary report demonstrating a station's service to children should be sufficient to guide the Commission in evaluating station performance at renewal time. Substituting an annual report for the current system that will require ION to file over 10,000 pages of quarterly reports per year would not compromise parents' access to valuable children's programming information – but it would eliminate useless expenditures that do nothing but sap stations' resources that would otherwise be used to provide higher quality service to viewers. A simplified reporting system would benefit viewers, the Commission, and broadcasters, which is exactly the kind of result the Commission should be seeking in this proceeding.

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<sup>4</sup> See, e.g., Comments of the National Association of Broadcasters, MB Docket Nos. 18-202, 17-105, filed Sept. 24, 2018, at 36-39; Comments of Gray Television, Inc., MB Docket Nos. 18-202, 17-105, filed Sept. 24, 2018, at 2-5.

**B. ION Supports Giving Broadcasters Additional Scheduling Flexibility for Qualifying Children's Programming.**

ION also urges the Commission to examine its current rules for determining what qualifies as children's programming under the rules. In particular, the Commission should explore whether it makes sense to require specific amounts of children's programming on each multicast program stream and whether it serves children to only count programming that is regularly scheduled during a Commission-specified time block. For ION, these issues are really about scheduling flexibility. Scheduling of children's programming requires thoughtfulness on what leads in and what follows to ensure suitability for our youth audience. The Commission's current scheduling mandates regularly lead to unintended consequences in programs intended for our youngest. If the Commission adapted its rules such that programmers are permitted to make programming and scheduling decisions, it would be easier for ION and other broadcasters to program our networks in a responsible manner for children and caregivers.

ION's children's programming efforts are an excellent case in point for this issue. ION broadcasts the bulk of its children's programming on its Qubo multicast children's network. While the amount of children's programming aired on Qubo vastly exceeds the Commission's raw hourly programming requirements, the current rules require ION to schedule 3 hours per week of children's programming on its main channel and other multicasts as well. This can easily lead to children's programming being aired adjacent to crime dramas or other programming with adult themes that may not be suitable for children. This is a problem for the major network affiliates as well, which frequently air children's programming on weekends sandwiched between political talk programming or other adult fare. Since today's political talk might involve discussions of porn stars and political murders, risking exposing children to such programming unsupervised is a serious danger.

ION agrees with the commenters that support granting broadcasters increased scheduling flexibility for children's programming.<sup>5</sup> The Commission should consider whether it makes more sense to permit broadcasters to concentrate their children's programming on a single program stream to ensure that children are being served in a way that protects them from content their caregivers might not approve. The qubo model has worked well for ION and its viewers, and it might provide a useful template for other broadcasters.

Commenters who claim that airing children's programming is ineffective for reaching the most vulnerable children in the community have this issue completely backwards.<sup>6</sup> The poorest and most vulnerable children are most likely to rely on over-the-air television. Their families lack the resources to spent over \$1,000 a year on paid subscription television, so they must rely on what can be received over-the-air. Every stations' multicasts are therefore available to impoverished viewers. And since the parents of economically challenged youngsters are least likely to have the free time to research children's programming options, it is most important for them to have trusted programming sources they can rely upon. Multicast options like qubo satisfy all these criteria. They are readily and universally available, and, if designed properly, can provide parents with a safe space that they can trust their children to visit.

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<sup>5</sup> See, e.g., NAB Comments at 19-30; Comments of Nexstar Broadcasting, Inc., MB Docket Nos. 18-202, 17-105, filed Sept. 24, 2018, at 7-8.

<sup>6</sup> See, e.g., Comments of the National Hispanic Media Coalition, MB Docket Nos. 18-202, 17-105, filed Sept. 24, 2018, at 10-13.

### **III. CONCLUSION**

For the foregoing reason, ION requests that the Commission revise its children;s programming rules as described herein.

Respectfully submitted,

**ION MEDIA NETWORKS, INC.**

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/s/

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