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March 26, 2019

Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington DC 20554

# RE: MB Docket No. 18-202, Docket No. 17-105

Dear Ms. Dortch:

On March 22, 2019, Angela Campbell and Lindsey Barrett of the Institute for Public Representation at Georgetown University Law Center (collectively, IPR) met with Michael Scurato, Acting Legal Advisor for Media and Consumer Protection for Commissioner Starks, and Andrew Manley, Legal Fellow. The meeting was on behalf of our clients, Center for Digital Democracy, Campaign for a Commercial-Free Childhood, and the Benton Foundation, to discuss issues related to the Children’s Television Act rulemaking.

In the meeting, IPR presented the following arguments, which we previously raised in our comments filed on behalf of our clients,[[1]](#footnote-1) and in our reply comments, filed on behalf of those organizations as well as Color of Change, Common Sense Kids Action, Benton Foundation, and Dr. Jenny Radesky, MD[[2]](#footnote-2):

1. With respect to the Children’s Television Rules, the broadcasters’ arguments that they require greater flexibility to meet their public interest obligations for children’s programming is without merit, particularly as pertains to the obligations to show children’s educational programming on broadcasters’ primary channels, and the guidelines concerning preemption. Offering accessible, educational children’s programming is one of the few public interest obligations the broadcasters are required to meet, which pales in comparison with value of the free access to the airwaves that they receive in return. If the broadcasters are permitted to show all of their children’s educational content on the more difficult-to-find multicast channels, parents will be unable to find it.[[3]](#footnote-3)
2. While the broadcasters argue they need additional flexibility to preempt children’s educational programming, they already have plenty—EI programming is often preempted for live sporting events.[[4]](#footnote-4) If the rules are loosened even further, the unpredictability of when children’s programming is aired will make it even harder for parents to find, and more commercially precarious.[[5]](#footnote-5)
3. While some of the commenters argue that new online children’s programming makes the broadcasters’ educational programing obligations obsolete, no such suitable alternatives exist. First, children without dependable access to broadband can’t access these new products and services.[[6]](#footnote-6) Second, these products and services are unaffordable for many poor families.[[7]](#footnote-7) Third, the internet creates new risks and harms to children that aren’t implicated by educational broadcast television, and very little of the content is educational.[[8]](#footnote-8)
4. We provided Mr. Scurato and Mr. Manley with an article from kidscreen titled “Content vs. devices: What reigns supreme?” to be entered into the record.[[9]](#footnote-9) The article describes the popularity of YouTube and other online children’s programming platforms, and parents’ diminishing trust in those platforms due to the rise of concerns about inappropriate content and privacy harms.

Respectfully Submitted,

/s/ Lindsey Barrett

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1. Comments of Center for Digital Democracy, et al., MB Dkt. No. 18-202, at 13-5 (filed Sept. 24, 2018) [↑](#footnote-ref-1)
2. CDD et al Reply Comments, at 5. [↑](#footnote-ref-2)
3. Comments of the Center for Digital Democracy et al., MB Dkt. No. 18-202, at 13-15 (filed Sept. 24, 2018) (“CDD et al Comments”). [↑](#footnote-ref-3)
4. Reply Comments of Center for Digital Democracy, et al., MB Dkt. No. 18-202, at 11-13 (filed Oct. 23, 2018) (“CDD et al Reply Comments”). [↑](#footnote-ref-4)
5. *Id.*  [↑](#footnote-ref-5)
6. CDD et al Comments, at 17-23 [↑](#footnote-ref-6)
7. CDD et al Comments, at 18-20. [↑](#footnote-ref-7)
8. CDD et al Comments, at 23-31. [↑](#footnote-ref-8)
9. Mara Singer, *Content vs. devices: What reigns supreme?*, kidscreen (March 5, 2019), http://kidscreen.com/2019/03/05/from-devices-to-content-providers-youtube-reigns-with-kids/ [↑](#footnote-ref-9)