

April 16, 2019

Ex Parte

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

Re: *Ex Parte Communication, MB Docket 19-41*

Dear Ms. Dortch:

In response to questions from Media Bureau staff, the National Association of Broadcasters (NAB), NCTA – The Internet & Television Association (NCTA) and the Motion Picture Association of America (MPAA) supplement the record with additional information about the TV Parental Guidelines Monitoring Board and its membership and adjudication process.

As stated in our joint comments, Monitoring Board members from the television industry are appointed by MPAA, NAB and NCTA, while non-industry members are appointed by the Chairman.¹ The process for appointing non-industry members begins with identifying and vetting organizations that may have an interest in the work of the Monitoring Board. Input is solicited from other members of the Monitoring Board, followed by discussion among the trade associations and the executive secretariat. Based on all information collected, a list of recommendations is compiled and sent to the Chairman for final appointment. The current members of the Monitoring Board represent a cross-section of organizations that deal with parents and children, consumers and media.²

Our comments generally described the process that occurs when complaints are received about the rating assigned to a particular program;³ we provide more detail here in response to staff questions. The practice of the Monitoring Board is to acknowledge individual complaints as they are received and forward them to the network on which the program airs for further review.⁴ When multiple complaints about a program are received, the executive secretariat flags the issue for MPAA, NAB and NCTA and discussions take place to determine if further action is needed at that time. For example, outreach to the program's distributor might occur to highlight the complaints and suggest review. Other industry representatives might be contacted to ask if the

¹ See Joint Comments of NAB, NCTA and MPAA, MB Docket No. 19-41, at 11-12 (Mar. 12, 2019).

² See *id.* at 12, note 20 (listing current members of the Monitoring Board).

³ See *id.* at 12-13; Joint Reply Comments of NAB, NCTA and MPAA, MB Docket No. 19-41, at 6-7 (Mar. 19, 2019).

⁴ Complaints from viewers are not the only way program ratings issues are raised. It is not unusual for one industry representative on the Monitoring Board to question the rating of a program on another network. This self-policing among industry participants is another way the Monitoring Board successfully ensures consistent and accurate ratings.

rating is consistent with their own ratings on similar programming. These discussions can – and do – result in changes being made to ratings before an adjudication is necessary. However, if complaints continue to be received and it is clear that there is widespread concern about a program’s rating, the issue will be flagged for the Chairman to determine the need for an adjudication.⁵ There is no specific number of complaints that automatically results in an adjudication. The Monitoring Board has conducted adjudications after receiving anywhere from a handful of complaints to a more significant number of complaints.⁶ Additionally, as noted above, complaints are often addressed before they reach an adjudication.

The TV rating system and the process for oversight and review of complaints has worked well for the two decades the system has been in place.⁷ We appreciate the feedback we have received as part of this proceeding and, based on this input, the Monitoring Board will review its processes to determine whether any additional steps are appropriate to ensure complaints about program ratings are fully addressed.

Respectfully submitted,

⁵ If the Chairman determines an adjudication is needed, he will alert Monitoring Board members and schedule a meeting to review the rating. The network on which the program airs is given an opportunity to present its case for the program’s rating. If the majority of those present and voting determine the program is rated correctly, the issue is concluded. If a majority believes the program is incorrectly rated, the Chairman will communicate that decision to the program’s producer or network. If the network agrees with the Monitoring Board’s decision and agrees to change the rating on future airings, the issue is concluded. If the network believes the Monitoring Board’s decision is in error and does not change the rating, the Monitoring Board would make its views public.

⁶ The Monitoring Board has conducted four adjudications: three during the early years of the rating system that involved application of ratings on children’s programming, including the use of the FV descriptor, and in 2007 when the Monitoring Board received nearly 100 complaints about the rating applied to “Damages,” as edited and aired in syndication. Several other examples in the record show that ratings also change in response to complaints without adjudication. The Parents Television Council (PTC) acknowledged in its comments that “[t]here were three instances where [its] outreach resulted in a change to a content rating.” Comments of PTC, MB Docket No. 19-41, at 4 (Mar. 12, 2019).

⁷ We attach an updated information sheet about the TV Parental Guidelines, which is available on the Monitoring Board’s website (www.tvguidelines.org).



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ATTACHMENT: The TV Parental Guidelines

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