



May 13, 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:

In September 2018, NAB and the Network Commenters separately filed comments in the above-captioned proceedings pertaining to modernizing the children's television rules.<sup>1</sup> In these comments, NAB and the Network Commenters urged the Commission to allow broadcasters to air children's core educational and informational (E/I) programming between 5:00 a.m. and 10:00 p.m. To support expanding the current core hours to 5:00 a.m., we provided Nielsen data about television viewing by children ages 2-15 from 5:00 a.m. to 7:00 a.m.<sup>2</sup>

NAB and the Network Commenters recently learned that these comments inaccurately characterized the data noted above. The correct characterization of the viewing data is as follows: from January 1, 2017 to June 30, 2018, between 32.45 and 44.09 million unique children ages 2-15 used a television from 5:00 a.m. to 7:00 a.m., including for broadcast, cable, satellite, telco, DVDs and digital platforms, including over-the-top (OTT) apps and video games.<sup>3</sup>

While these numbers show the cumulative reach of the TV set over a protracted period, we also believe it would be useful to provide additional Nielsen information detailing average weekly TV usage. During an average week from January 1, 2017 to June 30, 2018, 7.8 million unique children ages 2-15 (or 13.9 percent) used their TV between 5:00 a.m. and

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<sup>1</sup> See Comments of the National Association of Broadcasters, MB Docket Nos. 18-202, 17-105 (Sept. 24, 2018) (NAB Comments); Comments of the Network Commenters, MB Docket Nos. 18-202, 17-105 (Sept. 24, 2018) (Network Comments).

<sup>2</sup> See NAB Comments at 18; Network Comments at 5.

<sup>3</sup> See Nielsen NPower, Live (No Time-shifting), Reach % Total Use of TV (Jan. 1, 2017 through June 30, 2018, Monday through Sunday, 5:00 a.m. to 7:00 a.m.).

6:00 a.m., and 11.5 million unique children in this age group (or 20.7 percent) used their TV between 6:00 a.m. and 7:00 a.m.<sup>4</sup> Although Nielsen does not provide such data, many additional children and teens are very likely using devices, including smartphones and tablets, to engage with video content in the early morning.<sup>5</sup>

NAB and the Network Commenters continue to believe that available data support expanding the core programming hours to 5:00 a.m. Millions of children are using TVs and other devices early in the morning to access content, and broadcasters should have the opportunity to reach those children. Under the current rules, commercial TV stations are unlikely to program E/I content from 5:00 a.m. to 7:00 a.m. because the FCC does not allow content aired during these hours to fulfill a broadcaster's core programming obligations.<sup>6</sup> Further, expanding the core programming window will provide much needed flexibility for broadcasters to better tailor their programming lineups to serve the needs of their entire communities, children included. With growing demand for more live local news, sports and special event programming, broadcasters increasingly struggle to meet the demands of their viewers within the confines of their program schedules.<sup>7</sup> Providing broadcasters an extra two hours within which to program E/I content will alleviate some of the challenges.

NAB appreciates the Commission's continued efforts to modernize its children's TV rules to reflect how children and their families access and consume video content today.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

**CBS CORPORATION**

\_\_\_\_\_/s/ Rick Kaplan

\_\_\_\_\_/s/ Anne Lucey

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<sup>4</sup> See Nielsen NPower, Live (No Time-shifting), Reach % Total Usage of TV (Jan. 1, 2017 through June 30, 2018, average audience reach of persons ages 2-15 Monday through Sunday from 5:00 a.m. to 7:00 a.m.; all use through the TV glass, including Internet, video games, OTT, etc.).

<sup>5</sup> According to Sesame Workshop, 98 percent of homes with children have mobile devices, such as tablets or smartphones. Comments of Sesame Workshop, MB Docket Nos. 18-202 & 17-105, at 5 (Sept. 24, 2018).

<sup>6</sup> See NAB Comments at 18-19; Network Comments at 5.

<sup>7</sup> See NAB Comments at 22-26.

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cc: Michelle Carey  
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