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DEC - 8 1992

December 4, 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA FEDERAL EXPRESS

Alfred C. Sikes - Chairman
Federal Communications Commission
1919 M. Street N.W.
Washington, D.C. 30554

Re: Public Access Programming

Dear Chairman Sikes:

I am writing to you because I have recently become aware of and alarmed about sexually explicit adult programming cable cast on my public access cable channel. I live in Tampa, Florida and I am an attorney as well as a wife and mother. My public access channel is channel 12, situated between ABC on Channel 10 and CBS on Channel 13. While switching channels one evening, I saw scenes that I couldn't believe were on at all, but especially during prime time. Totally nude women were pole dancing and lap dancing, squatting and gyrating so that their genitals were in full view. I have since seen a tape of a totally naked man dancing and screaming obscenities and have become aware that such programming is even shown on Saturday mornings. I am concerned about the negative effect of such programming on our children.

David Elkind, Professor of Child Development at Tufts University, has this to say about the effect of nudity on television on our children:

"In what I call the postmodern family," he says, "we have this new image of the child as competent and sophisticated. Adults have this perception that children can handle all this stuff. . . But I disagree. I think children find it most disturbing, hurtful and damaging. And they wonder, Why am I being allowed to see this? Why isn't anyone saying, Kids don't need to see this stuff. Why isn't anyone looking out for my interest?" Newsweek, November 2, 1992.

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A friend, Amy Lerom and I have spoken with Tampa Mayor Sandra Freedman, the Chairman of the City Council Joe Greco, made a presentation to our Local Cable Advisory Committee and the Hillsborough County Commission. Everyone says there is little they can do to limit or regulate this adult programming. Tapes have been presented to the State Attorney's Office and were not considered criminally obscene. As an attorney, I understand that this material, unless adjudged obscene by a court of law, is protected by the First Amendment. Therefore, Mrs. Lerom and I are presenting three proposals that we feel are the least restrictive ways to achieve a balance between the interest of our children and the interest of free speech.

We are not asking that sexually explicit/indecent material be banned or that its content be changed or censored in any way. We are asking that it be made available at a time and in a manner so that it is accessible to adults but not children. These recommendations are set forth in the enclosed Comments to Proposed Rule Making.

We, as parents, need this commission to help us protect our children by adding these three logical and simple recommendations to the existing FCC Regulations.

I urge the FCC to promulgate rules regulating adult programming on public access cable channels.

Sincerely,

By: Virginia Bogue
Virginia B. Bogue
By: Amy Lerom
Amy Lerom

TPA-90395

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Implementation of Section 10 of the
Cable Consumer Protection and
Competition Act of 1992.

MM Docket No. 92-258

Indecent Programming and Other Types
of Materials on Cable Access Channels

COMMENTS TO PROPOSED RULE MAKING

We are concerned about children being exposed to sexually explicit/indecent programming on PEG channels.

Section 10 of the Cable Act of 1992 allows the cable operator the option of prohibiting sexually explicit/indecent programming on Public, Educational and Governmental Access Channels. However, if the cable operator opts to allow or continue sexually explicit/indecent programming, there are no provisions provided to regulate the time or manner in which sexually explicit programming is presented. Cable operators are liable only for programming which reaches the level of obscenity.

Therefore, we urge the Commission to adopt the following rules to regulate sexually explicit/indecent programming on cable PEG channels:

1. Move the public access channel to channel 50 or above so that it is less likely for children to unintentionally be exposed to adult content.

2. Require all sexually explicit/indecent programming to be shown only after midnight and before 6:00 a.m. so that it will be less accessible to teenagers and children.

3. Cable operators providing PEG channels must provide:

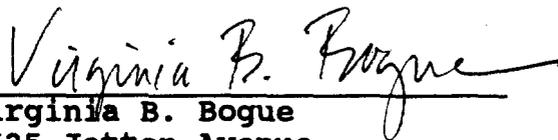
(a) Written notification at time of cable subscription informing the subscriber of adult programming on designated channels and of the subscriber's option to lock out these channels free of charge.

(b) Notification of adult programming and free lockout on monthly billing statements, including a phone number which can be called to lock out channels immediately.

4. For the purpose of Section 10, sexually explicit/indecent material shall be defined as including, but not limited to, the following:

Frontal nudity, nude dancing, sado-masochistic behavior, excretory activities, exposed genitals and fondling.

5. Interpretation of "sexually explicit/indecent" shall be made by Local Cable Advisory Committees.



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