

**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
)	

COMMENTS OF AT&T

AT&T Services, Inc., on behalf of its multichannel video programming distributor (MVPD) affiliates (collectively, AT&T), hereby files these comments to address a narrow issue the Commission raised in its *Children’s Television Programming NPRM* related to the current requirement that cable operators and direct broadcast satellite (DBS) providers file copies of children’s programming certificates in their online public file each quarter.¹ The *NPRM* requests comment on whether to require cable operators to file these certificates annually, not quarterly. AT&T supports a fresh look at this requirement and recommends the Commission go even further and permit cable operators *and* DBS providers to provide this information only in the event of a complaint.

Today, the Commission requires both cable operators and DBS providers to obtain quarterly certificates from programmers stating that the programmer complies with the advertising requirements contained in the Children’s Television Act of 1990 and file those

¹ *Children’s Television Programming Rules, Modernization of Media Regulation Initiative*, MB Docket Nos. 18-202, 17-105, Notice of Proposed Rulemaking, FCC 18-93, ¶ 30 (rel. July 13, 2018) (*NPRM*).

certificates in the company's online public file within 10 days of the end of each quarter.² The Children's Television Act applies on its face only to cable operators but in 2004 the Commission concluded, *sua sponte*, that it should extend its certification requirements to DBS providers, like AT&T's affiliate DIRECTV.³ In that decision, the Commission found that the policy rationale of the Children's Television Act – protecting children from excessive commercialization – applied both to cable operators and DBS providers, and therefore extended its certification requirements to DBS providers. Given that both cable operators and DBS providers are subject to the same regulatory requirement based on the same underlying policy, in the event the Commission decides to modify these requirements with respect to cable, it should modify them with respect to DBS as well.

As NCTA and AT&T proposed last year, the Commission should permit cable and DBS providers to provide copies of programmer certifications of compliance only in the event of a complaint.⁴ There has been no evidence that DBS providers or cable operators are violating the commercial limits in children's programming and there is little to no practical utility to requiring

² 47 C.F.R. §§ 25.701(e)(3), 76.1703; *Policies and Rules Concerning Children's Television Programming, Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations*, MM Docket Nos. 90-570, 83-670, Memorandum Opinion and Order, 6 FCC Rcd 5093, ¶ 23 (1991); *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, MB Docket No. 14-127, Report and Order, 31 FCC Rcd 526, ¶¶ 62, 69 (2016).

³ *Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992, Direct Broadcast Satellite Public Interest Obligations, Sua Sponte Reconsideration*, MM Docket No. 93-25, Second Order on Reconsideration of First Report and Order, 19 FCC Rcd 5647, ¶¶ 44 (“Although Section 335(a) does not require commercialization guidelines for children's programming on DBS, such guidelines are consistent with our public interest programming authority in this section.”), 49 (“Many of the programming services carried by DBS providers are the same as carried by cable systems around the country and thus this programming already complies with the commercial restrictions.”) (2004).

⁴ See NCTA Comments, MB Docket No. 17-105 et al., at 28 (filed July 5, 2017); AT&T Reply Comments, MB Docket No. 17-105, at 2-4 (Aug. 4, 2017).

hundreds of MVPDs to collect the same certificates each quarter. If the Commission declines to grant this relief, at a minimum, it should adopt its proposal to permit cable operators and DBS providers to file these third-party certifications annually, not quarterly.⁵ There is no statutory requirement that cable operators file these certificates quarterly; thus, the Commission has the authority to modify its requirements to permit cable operators and DBS providers to make annual submissions to their online public files (or, for that matter, to submit them upon request).

If the Commission retains its online public filing requirement for children's television certificates, it should allow DBS providers and cable operators up to 30 days after the close of the calendar year (or quarter) to upload programmer certificates to their online public files. As a nationwide provider, DIRECTV personnel obtain hundreds of programmer certificates each quarter. Collecting, scanning, and uploading such a large number of certifications within 10 days of the close of a reporting period is unnecessarily burdensome and there is no reason to believe that granting an additional 20 days for this administrative undertaking would undermine the purpose of this obligation.

AT&T remains appreciative of the Commission's efforts to modernize its media requirements and we urge the Commission to require cable operators and DBS providers to provide programmer certificates of compliance with the children's television commercial limits only in the event of a complaint. At a minimum, we ask the Commission to reduce the frequency that DBS providers and cable operators must upload these certificates to their online

⁵ *NPRM* at ¶ 30.

public files to once a year and permit these providers to upload programmer certificates within 30 days of the end of the calendar year.

Respectfully Submitted,

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