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November --, 1993

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The Honorable Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Limitations on Commercial Time on Television Broadcast Stations, MM
Docket No. 93-254

Dear Ms. Searcy:

I am writing to oppose the suggestion in the Commission's Notice of Inquiry that time limitations be reimposed on the amount of commercial matter broadcast by television stations.

[Paragraph describing your company -- i.e., identify it as a producer of infomercials or advertiser employing this format; how long it has been producing infomercials; details of the kind of program-length commercials in which the company has been involved; the acceptance they have found in the marketplace among consumers; and the extent to which these programs have been shown by broadcast stations.]

[Paragraph asserting that there is no justification for reimposition of commercial time limitations. The FCC's 1984 decision was premised on the belief that there would be an expansion in the number of information sources available to viewers and that, in such a competitive marketplace, viewers would determine the appropriate amount of commercial programming by their choice of what programs to watch. Further, the FCC believed that the market would respond to the relaxation of constraints on commercial programming by developing new commercial offerings.]

[Both these predictions have proved true. The number of video channels available to consumers has already expanded significantly, and we are just entering a new technological era that promises a great increase in the number of information and video programming sources. At this late date, the government should not attempt to turn back the clock and reimpose a scheme of commercial time limits that made sense, if at all, only at a time when few video outlets were available.]

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[Furthermore, there has been substantial innovation in the delivery of commercial programming in response to the 1984 decision. The program-length commercial is an important example of that innovation. This format might not ever have come into existence if the FCC had continued trying to determine the appropriate amount or type of commercial programming through fixed time limits. These programs have had to compete for viewer attention, and the fact that they have developed a sizeable audience despite all the other video offerings demonstrates that there is a significant consumer need that would not be addressed if time limits were reimposed.]

[By providing revenues to broadcast stations, program-length commercials help support free, over-the-air television].

[This is a critical point for the FCC. It would be helpful if you could provide data concerning the revenues generated by your programs for broadcast stations, especially small UHF stations. If data gathering or confidentiality concerns make this inadvisable, ballpark percentage estimates of the percentage of revenues generated on broadcast, as compared to cable, channels would be the next most useful piece of information for the FCC. These figures would be useful for the Infomercial industry if they showed substantial revenue generation for broadcast stations.]

[Add another paragraph stating that infomercials are a legitimate and increasingly popular form of commercial speech. Suggestions that the FCC should impose time limits that would restrict the showing of infomercials raise sensitive First Amendment considerations. Especially in an era where the number of video channels available to consumers is increasing rapidly, there is no reason why the FCC should impose a content-based discrimination against the broadcast of entertaining and informative commercial matter, simply because it is presented in program-length format.]

For these reasons, we believe as a general matter, that the Commission should not initiate a rulemaking to consider reimposing time limits on the broadcast of commercial matter. In particular, we believe that no showing has been made of any justification for imposing any limits on the running of program-length commercials by broadcast stations.

Sincerely,

Frane Koppach
Sr. Director Product Management / Direct Response Marketing
[signature and title] *Klein Entertainment*