

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the matter of

Policies and Rules Concerning
CHILDREN'S TELEVISION PROGRAMMING

Revision of Programming Policies
for Television Broadcast Stations

MM Docket No. 93-48

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COMMENTS OF
THE ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC.

EXHIBITS

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EXHIBIT A

Association of Independent Television Stations, Inc.
1995 Status Report on Childrens Educational Programming

In 1994, INTV submitted a *Status Report on Children's Television* in this proceeding.¹ That study used two independent analyses to measure the performance of Independent television stations. The following study updates our initial report.

Consistent with the methodology employed in the *1994 Status Report*, we conduct two separate analyses in preparing this report. In Part I, we analyze the amount of syndicated children's educational and informational programming. We examine the total amount of these programs appearing on all television stations and focus specifically on programs broadcast by Independent stations. This part of the study is based on information from Nielsen's Report on Syndicated Programming, May 1995. Part II of the study analyzes the responses to a survey that was sent to INTV member stations. We analyze the data in terms of the amount of programming appearing on these stations and the time of day in which these programs were broadcasted.

Overall, we find that there is a significant amount of children's educational and informational children's programming available in the marketplace today. These findings have important policy implications for the Commission as it addresses the issue of children's television programming requirements.

¹See *INTV STATUS REPORT ON CHILDREN'S TELEVISION*, filed with Reply Comments of the Association of Independent Television Stations, Inc., July 15, 1995 at Appendix A.

Part I: Analysis of the Children's Syndication Market

There are several sources of children's educational programming. The major television networks, e.g. ABC, CBS, NBC and Fox supply these programs as part of the "network" feed. Children's programs are also produced locally by stations themselves.

A significant amount of children's educational programs are supplied by the syndication market. These programs are produced by a variety of companies and sold directly to stations across the country. For example, Buena Vista (Disney) syndicates "Adventures in Wonderland" and "Bill Nye: The Science Guy" directly to stations. The Samuel Goldwyn Company syndicates "Gladiators 2000" an educational children's show to stations across the country.

The FCC often overlooks the syndication market when analyzing the supply of children's educational and informational programs. Nevertheless, the syndication market is a major supplier of such programming to television stations. This source of programming has been steadily increasing since the 1990 Children's Television Act was passed.

A key issue in this debate continues to be whether the production community is producing educational and informational children's programs and whether these programs are being broadcast by local television stations. In Part I we will focus solely on syndicated children's educational and informational programs. Other sources of children's programs are factored into Part II of the study.

Methodology

Data Source: Consistent with our *1994 Status Report*, data for this study were taken from *Nielsen's Station Index: Report on Syndicated Programs*. This report lists all syndicated programs that were actually broadcast by all local stations, both affiliate and independent.

Among other things, it lists the time of day these shows were aired. We have used the May 1995 syndication report which covers a four week period from April 27 to May 24, 1995.

Our decision to use the May 1995 period was based on our desire to present the Commission with the most up-to-date information regarding the amount of syndicated children's educational and informational programming. While our *1994 Status Report* used November data, the May 1995 data does not undermine the results presented below. (November 1995 data are not available.) The focus of this analysis is to examine overall trends in the amount of syndicated children's programming in the marketplace. Providing the most recent data will give the FCC a more accurate picture of the industry's performance.

Market Clearances: Market clearances are an important concept in the syndication business. The fundamental economic goal of any program supplier is to "clear" its programming in as many markets as possible. As a general matter, each program is sold to one television station per market. Also, it is entirely possible that a single television station will purchase the rights to more than one program.

The ultimate question for the Commission is to determine what programs are available for children across the country. Analyzing "market" clearances measures the exposure a particular program receives. Accordingly, aggregating the total number of "clearances" for programs gives an accurate indication of the amount of children's educational and informational programming that is available to America's children.

Definitions: The issue of what constitutes educational and informational children's programs has been hotly debated before the FCC. Consistent with our *1994 Status Report*, we have employed an extremely narrow definition of educational and informational children's

programming. Our goal has been to isolate those programs that are unquestionably educational and informational.

In this regard, our intent was not to develop a definitive list of all programs that qualify under the FCC's rule. For example, Congress indicated that "Saved by the Bell" is an educational and informational program consistent with the statutory objectives of the 1990 Children's Television Act. In May 1995, this program was cleared on 52 television stations across the country. Nevertheless, we have not included this type of program in our syndication analysis, because some may argue (incorrectly) that the program was not educational.

As a result, the definitions used in this analysis significantly underestimate the amount of syndicated children's educational and informational programs that are being broadcasted. In reality, there is more syndicated children's educational and informational programming than is reported below.²

Results

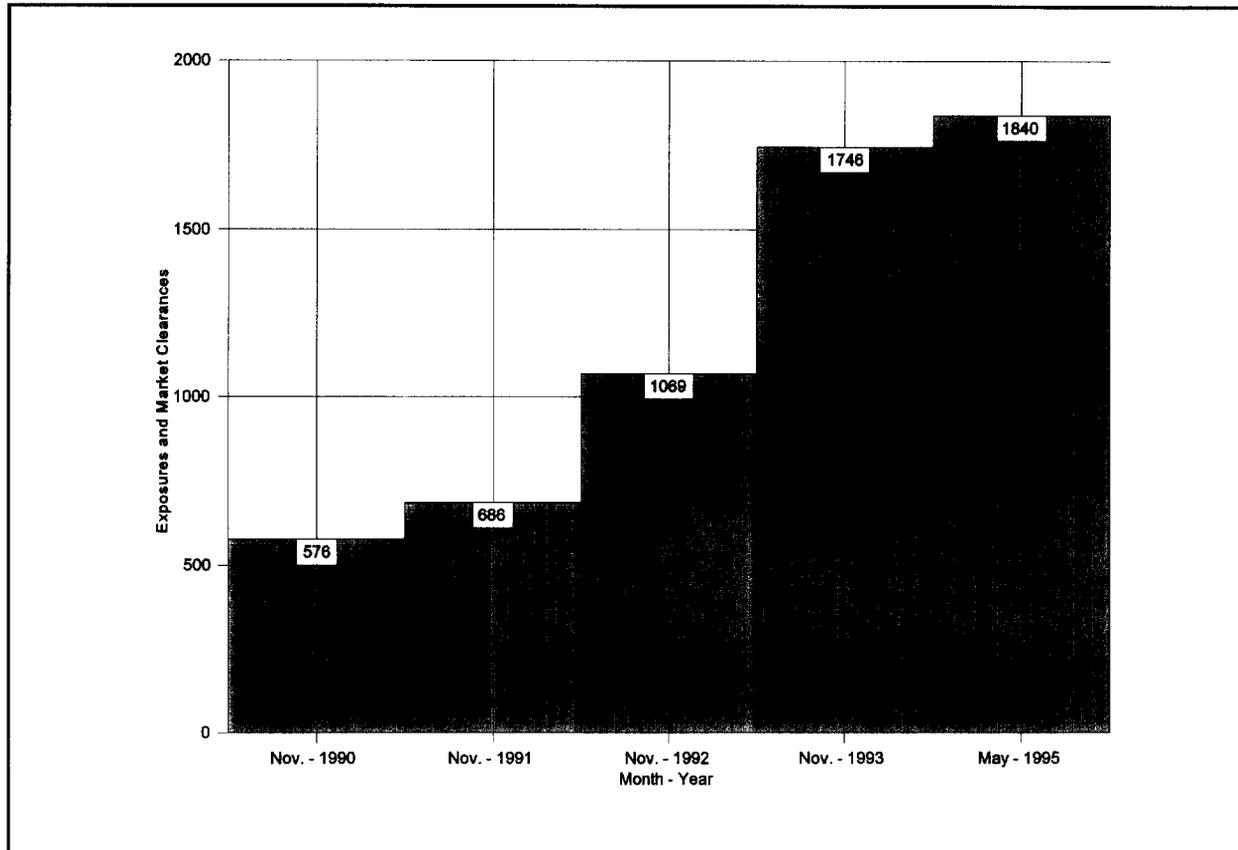
Programs: The amount of syndicated children's educational and informational programming continues to expand. This expansion can be seen in both the number of programs that are being broadcast as well as the market clearances of these programs. The results of this analysis can be seen in Table I.

Our previous analysis reported that in 1990 there were only eight programs that could be universally recognized as being "educational" and informational. By November of 1994 this

²Critics of this analysis are invited to analyze each program to determine whether the programs contained in the analysis are educational and informational.

TABLE I

**Syndicated Children's Educational
and Informational Programs**



Captain Planet	Captain Planet	Beakman's World	Adventures in	Adventures in
Nat'l Geo. Spec.	Captain Planet (rpt)	Captain Planet	Wonderland	Wonderland
Nat'l Geo. Assign.	Kid's Club	Children's Room	Best of Nat'l	Bill Nye Sci. Guy
Peppermint Place	Not Just News	Faerie Tale Thtr.	Geographic	Blinky Bill
Quiz Kids Challenge	Peppermint Place	Nat'l Geo. Spec.	Bill Nye Sci. Guy	Capelli & Co
WIDGET	Romper Room	Not Just News	Captain Planet	Captain Planet
Yng Peoples Specs.	Scratch	Peppermint Place	The Children's Rm.	Feed Your Mind
Romper Room	Wide World Kids	Real News Kids	Energy Express	Flying House
	WIDGET	Romper Room	Hallow Spencer	Gladiators 2000
	Yng Peoples Specs.	Scratch	Nick News	Jack Hannas Animal Adv.
	Nat'l Geographic	Jacques Cousteau	Not Just News	Madison's Adv. Growing Wild
		WIDGET	Nat'l Geographic	News for Kids
		Yng Peoples Specs.	Jack Hannas	Newsworthy
			Animal Adventures	Zoo Life
			Yng Peoples Specs	Nick News
			Peppermint Place	Not Just News
			Real News for Kids	Nat'l Geo. Assign.
			Romper Room	Peppermint Place
			What's Up Ntwk.	Pick Your Brain
			Scratch	Scratch
			WIDGET	Singstation
				What's Up Ntwk.
				Wrld. of Nat'l Geo.

number increased to 19 programs. In May of 1995 there were 20 syndicated children's educational and informational programs being broadcast.³

A review of the number of programs being broadcast in May of 1995 reveals an important fact about the marketplace for syndicated children's educational and informational programs. Several programs, appearing in our 1994 *Status Report*, e.g., "Energy Express," "WIDGET," and "Hallow Spencer" did not appear in the May 1995 book. New programs, however, have taken their place. For example, "Gladiators 2000," "Blinkey Bill," and "Madison's Adventures" appear in the May 1995 report for the first time.⁴

Market (Station) Clearances: Not only have the total number of program titles increased, but these shows are being broadcast by more television stations. As Table I points out, syndicated children's educational programs received only 576 "clearances" in 1990. This amount tripled by 1993 with 1,746 "clearances." In May of 1995, syndicated children's educational and informational programs increased again to 1,840 clearances in markets across the country.

³Arguably there were 24 programs available in May of 1995. For example, some programs with the same title are sold in separate packages. This usually happens when the syndicator is selling repeat episodes as well as new episodes of a program. Turner syndicates both "Captain Planet" and the "New Adventures of Captain Planet." These are separate programs. Nevertheless, in the interest of simplicity we have counted these types of programs as one title in the analysis presented above.

⁴This fact raises an important issue for the Commission. It is simply incorrect to focus on a select group of children's program producers who have been unable to succeed in the marketplace. Approximately 75% of all general audience programs fail in the marketplace. Producers always complain that their shows would have succeeded if they had been given better time slots or more time to develop an audience. Focusing on producer complaints gives a distorted view of the marketplace. The critical issue for the Commission is whether the marketplace is producing new programs to replace those programs that have failed. On this point, the marketplace for children's educational and informational programs is working well.

Looking specifically at Independent stations, these stations continue to broadcast significant amounts of syndicated children's educational and informational programs.⁵ Overall, these programs received 677 clearances on Independent stations. While industry critics have questioned the time slots these programs received, well over 66% of the programs appeared at 7 AM or later. All of the programs listed were broadcast after 6 AM. The time distribution for these clearances appears in Table II.

Future Market Trends: There is every reason to believe that syndicated children's educational and informational programming will continue to be sold and aired by local stations. Television stations are looking for new shows that are both educational and entertaining. Of the 31 most popular new children's and teen shows airing this fall, five (19.3%) of these programs are without question educational and informational. These programs are receiving significant clearances in markets across the country.

New Children's Educational Programs⁶

Name	No. Stations Purchasing	% of National Audience
Bananas in Pajamas	117	88
Blinky Bill	124	88
Happy Ness	112	84
Jelly Bean Jungle	106	81
Sing Me A Story at Belle's	162	92

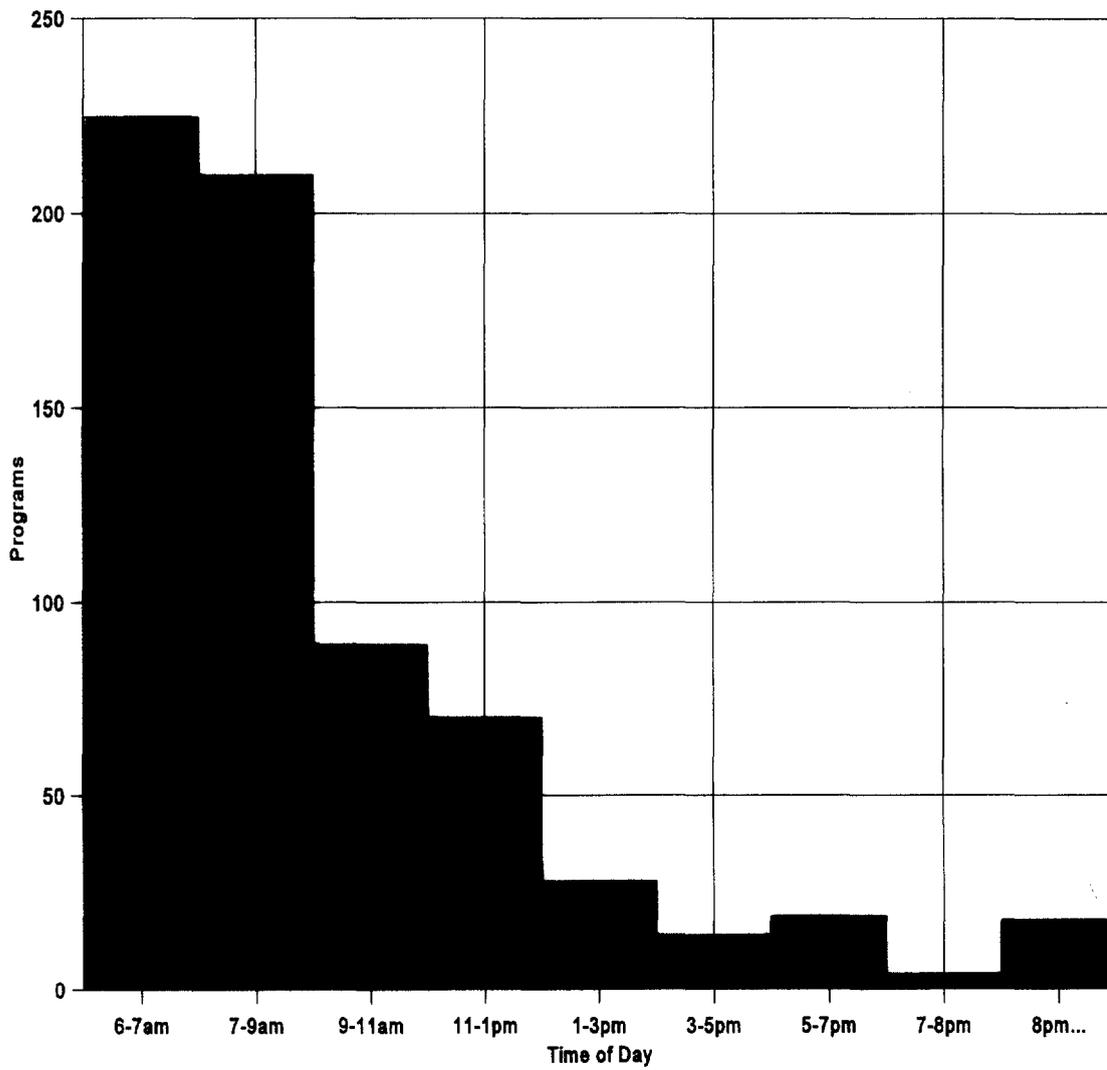
Importantly, this list does not include all of the new syndicated programs that contain educational and informational content for children. The list includes those programs with the

⁵We have defined Independent stations as those stations not affiliated with any network as well as stations affiliated with the Fox, UPN and WB networks.

⁶*Electronic Media*, September 4, 1995 at 39.

TABLE II

**Syndicated Educational and Informational
Children's Programs on Independent Stations
(May Sweeps 1995)**



largest sales to date. Other children's educational programs are also being sold by the syndication community.

Part II: Analysis of Station Surveys

In preparing this report, INTV conducted a survey of our member stations. The survey solicited data on station performance based on the first quarter (January through April) of 1995. Stations were asked to list all programs that they believed met the FCC's requirements to provide programming that met the educational and informational needs of children.

Methodology

Surveys: Approximately 100 surveys were mailed out to INTV member stations in all markets across the country. We received 78 usable responses. Because INTV's membership includes both non-affiliated independent station and stations affiliated with the Fox, WB and UPN networks, the results have been aggregated. Because stations receive programming from a variety of sources, the survey will include programming that is supplied by the syndication market, locally produced programs as well as programs appearing on the Fox network.

Number of Station Responding By Affiliate Status

<u>Affiliation</u>	<u>Response Rate</u>
Fox affiliates	33
UPN affiliates	15
WB affiliates	10
General Audience Independents not affiliated	17
Other	3

Thus, the surveys provide a representative sampling of those stations that are not affiliated with ABC, CBS and NBC. Moreover, there was a fairly even distribution of responses across all market categories.

<u>Market Group</u>	<u>Response Rate</u>
1-10	19
11-20	14
21-30	13
31-40	7
41-50	2
51-100	14
100+	9

Questions Asked: Stations were asked to list programs that they classified as fulfilling the FCC's requirements to broadcast "core" programs that meet the educational and informational needs of children during the first quarter of 1995. Several program categories were examined.

Regularly scheduled programming was defined as those programs that were at least 30 minutes in length. Stations were asked to list the name of the program, its length, number of broadcasts per week, the day the program was broadcast and the time the program was aired.

Educational specials are those children's shows that are not broadcast on a weekly basis. Accordingly, the surveys examined the number of these programs that were broadcast on a quarterly basis. To qualify, educational specials had to be at least 30 minutes in length. Stations were asked to list the name of the program(s), its length, the number of times broadcast, and the time and date the program was aired.

Short segment educational and information programs were also examined. These programs were defined as those that were less than 30 minutes in length, e.g., programs that were five to fifteen minutes long. Spot announcements and interstitial messages were not included in this category. We analyzed these programs on a weekly basis.

Finally, stations were asked to list the number of spot or "interstitial" announcements appearing on their stations on a weekly basis. Stations were asked to list those announcements appearing during their regular children's programs or on programs with significant children's viewing. These announcements included 10 to 60 second spot messages.

Results

Regularly Scheduled Programs: During the first quarter of 1995, responding stations broadcast 289 regularly scheduled programs per week. Seventy of these programs appeared five times a week, usually Monday through Friday. The remaining 219 programs were broadcast once a week, usually on Saturday or Sunday.

Analyzing the number of programs does not tell the entire story. Because some programs, e.g. "Captain Planet" are broadcast five times a week, the amount of time devoted to children's educational and informational programs is quite significant. Also, some regularly scheduled weekend programs, e.g. "National Geographic World" are an hour in length.

Taking these factors into account, the responding stations broadcast a total of 17,670 minutes of children's educational and informational per week during the first quarter of 1995. On average, each station broadcast 3.77 hours per week of core children's educational and informational programming.

In terms of total minutes, the overwhelming majority of children's educational and informational programming were broadcast at times when children were likely to view the programming. As Table III indicates, 96.7% of these minutes were broadcast at 6 AM or later and 87.5% were broadcast at 7 AM or later.

Past surveys have been criticized by some on the basis that stations were classifying general entertainment cartoons such as the "Flintstones" as being educational and informational programs. There appears to be no definition problems in the survey. Some of the most popular programs listed by stations in the survey are as follows.

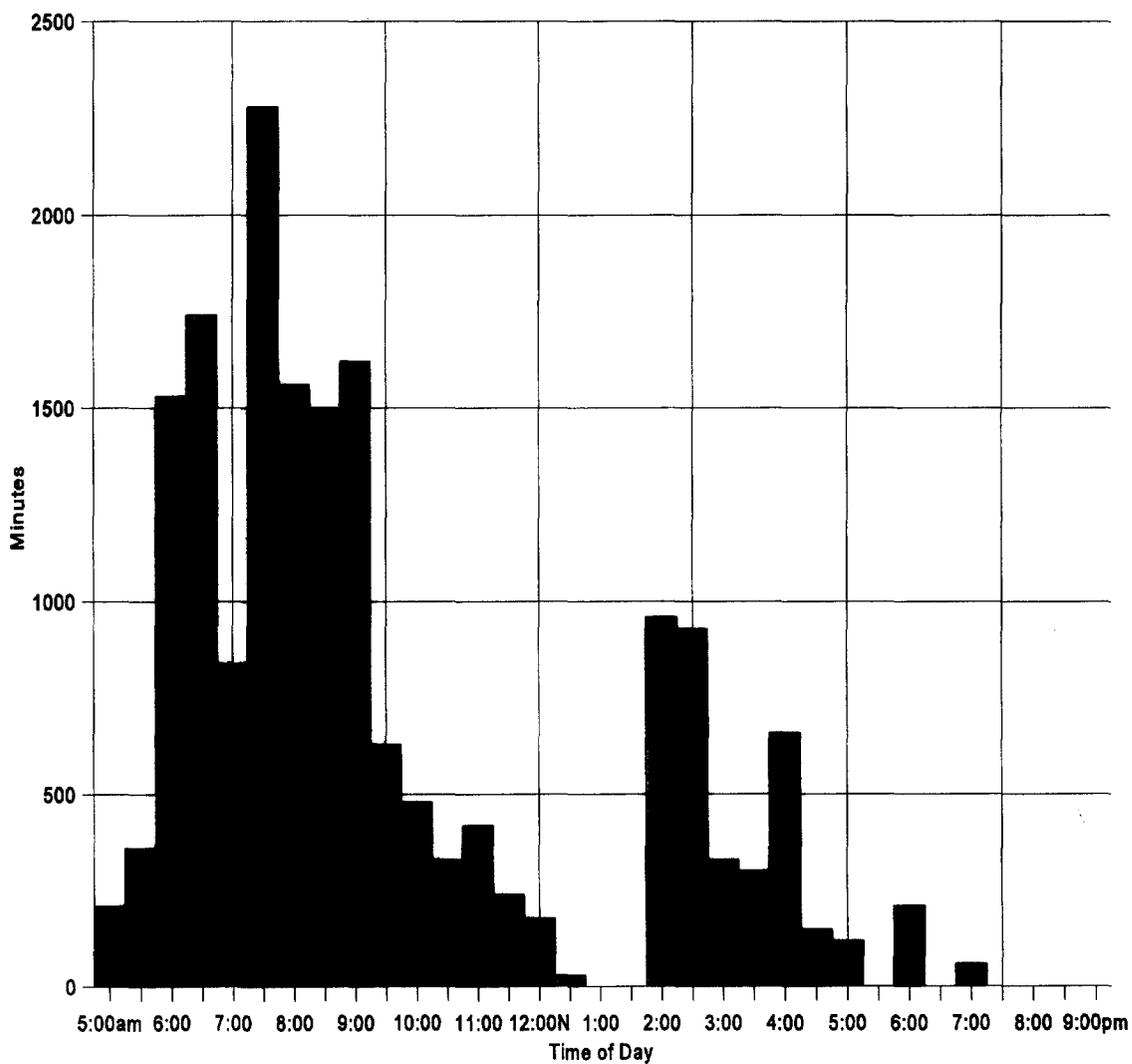
Program Name	No. of Stations Broadcasting the Program
Adventures in Wonderland	14
Bill Nye the Science Guy	16
Blinky Bill	19
Captain Planet	22
Fox Club House	31
Gladiators 2000	10
Madison's Adventures	10
Nick News	12
Pick Your Brain	13
Carmen San Diego	33

There is no question that there continues to be a significant amount of children's educational and informational programs available to America's children. Moreover, these programs are being broadcast at a time when they can easily be seen by children.

TABLE III

Total Regularly Scheduled Children's Educational and Informational Programming (Per Week)

Time Distribution (Minutes)



Educational and Informational Specials: Apart from regularly scheduled children's programs, stations are providing a significant amount of educational and informational specials. These educational and informational specials are generally broadcast on weekends, although several stations broadcast afternoon specials.

Because specials are not broadcast every week, we examined the total number of specials that were broadcast by stations during the first quarter (three month period) of 1995. During this period, reporting stations broadcast a total of 4,470 minutes of educational specials. Accordingly, on average, each station broadcast nearly one hour (57.3 minutes) of children's educational specials during the first quarter of 1995.

These educational children's specials were clearly broadcast at times when children were likely to be in the audience. No specials were broadcast before 6 AM. As Table IV demonstrates, 93.1% of these educational specials were broadcast at 7 AM or later. On the weekends, the most popular time period for educational specials was 8:30 AM on weekend mornings and 5:00 PM on weekend afternoons. On weekdays, most specials were broadcast after school at 3 PM.

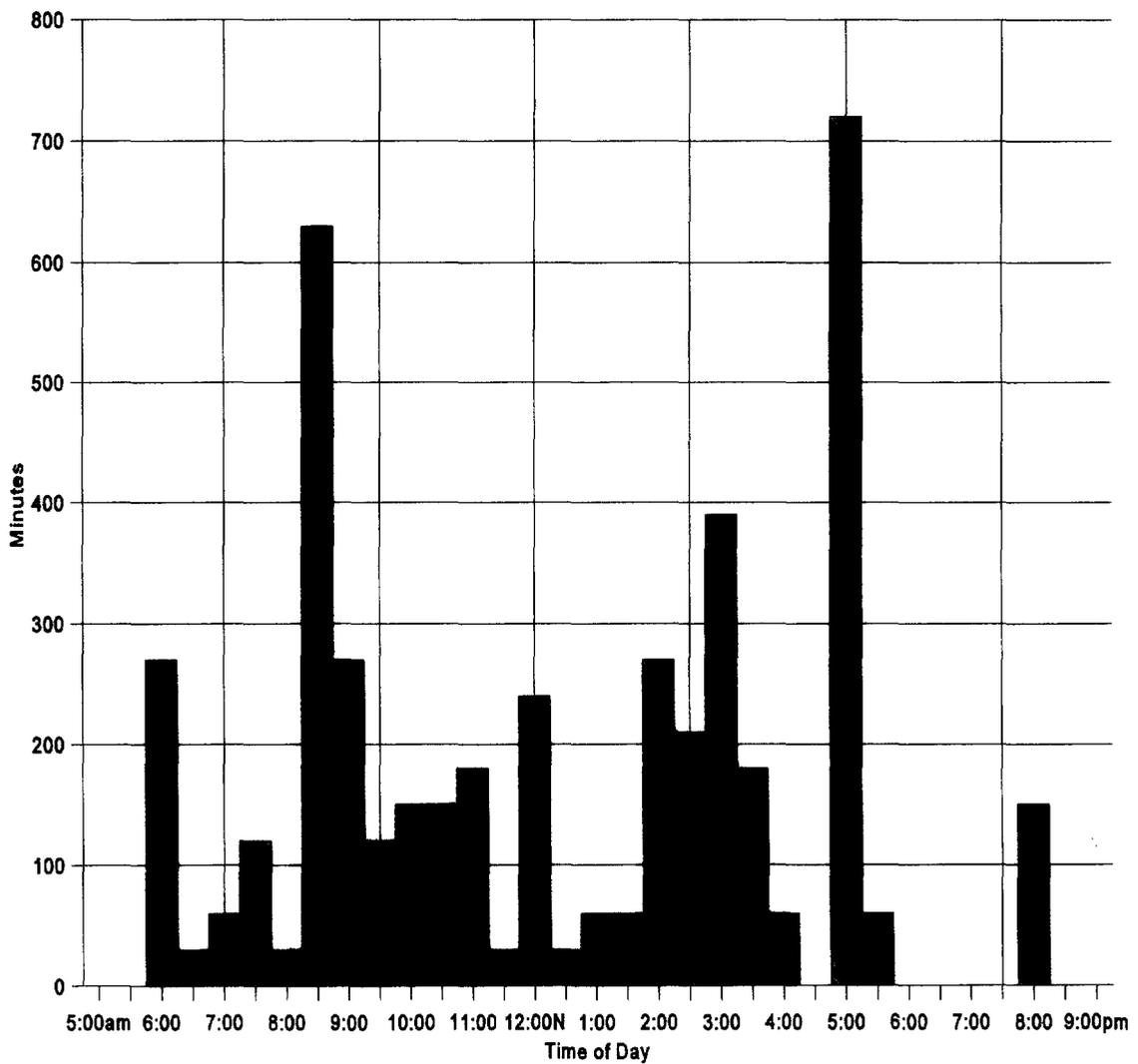
Importantly, many of these children's educational specials were produced by the stations themselves. These specials are an important part of a station's local efforts. Programs such as "39th Street," "A+ for Kids," "The School is Cool Report," "Wat'ch Gonna Do About Hate," and "Straight Talk for Kids" are just a few of the examples of locally produced educational specials reported in the surveys.

In addition to locally produced specials, more syndicated specials are appearing on local stations. Some of the more popular educational specials include "Adventures of Timmy the Tooth," "Shari Lewis: Kooky Classics," and "Adventures in Dinosaur City."

TABLE IV

Total Educational and Informational Children's Specials (Per Quarter)

Time Distribution (Minutes)



Short Segment Programs: Stations were asked to list short educational and informational short segment programs. These programs are less than 30 minutes in length but are not considered to be spot announcements. In total, stations reported broadcasting 711.5 minutes per week of short segment programs. This averages out to 9.12 minutes per station per week.

Interstitial and spot announcements: A significant amount of educational and informational spot announcements are being broadcast by local stations during hours when children's programs are being broadcast. These educational announcements generally range from 10 to 60 seconds in length.

On average, each station broadcast 45.5 educational spots and interstitial announcements per week during the first quarter of 1995. While these interstitial announcements vary in length from 10 to 60 seconds, the average station devoted 28.42 minutes per week to these announcements.

These results demonstrate that interstitial announcements are a significant source of educational and informational programming for children. Because they are broadcast during highly popular children's entertainment programs, they can reach a large segment of the child audience. The ability of these spots to reach and influence children is readily apparent. Indeed, this is precisely the way advertisers reach children. In many respects, these interstitial announcements provide the most effective way of reaching the child audience.

Part III: Conclusion

Today's marketplace is providing a tremendous amount of diverse children's educational and informational programming. As we noted in our *1994 Status Report*, Independent stations

are providing a significant amount of children's educational and informational programs. The major findings of this status report can be summarized as follows:

- The syndication markets continues to expand. Using a very narrow definition of what constitutes educational and informational programs, the number of programs has increased from 8 in 1990 to 20 in 1995.
- Clearances of syndicated educational and informational children's programming continues to expand. In 1990, these shows received only 576 clearances on local stations. In 1995, these clearances increased to 1840.
- During the first quarter of 1995, local stations averaged 3.77 hours of regularly scheduled children's programming per week.
- Regularly scheduled children's educational programming was not relegated to times when children were not watching. Approximately 96.7 of these hours were broadcast at 6 AM or later and 87.5 percent were broadcast at 7 AM or later.
- On average, stations broadcast nearly one hour (57.3 minutes) of children's educational specials during the first quarter of 1995.
- On average, stations programmed approximately 9 minutes per week of short segment educational and informational programs for children.
- On average, stations devoted nearly one half hour (28.42 minutes) per week to educational spot and interstitial announcements during children's programs.

Based on this record, there appears to be no evidence of a market failure with respect to children's educational and informational programming. The FCC should consider these facts when rendering a judgment on the children's television issue.

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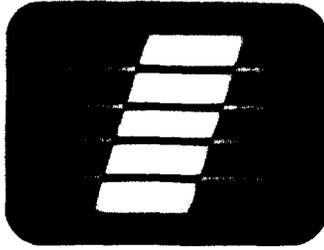
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**COMMENTS OF
THE ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC.**

EXHIBIT B



The Testimony of

LINDA COCHRAN

**VICE PRESIDENT & GENERAL MANAGER
WSYT-TV CHANNEL 68
SYRACUSE, NY**

before the

**SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE
UNITED STATES HOUSE OF REPRESENTATIVES**

**Washington, D.C.
June 10, 1994**

Good morning Mr. Chairman and members of the House Subcommittee on Telecommunications and Finance. My name is Linda Cochran, and I am vice president and general manager of WSYT-TV, Syracuse, New York and serve on the board of directors of the Association of Independent Television Stations, Inc. (INTV). On behalf of my station and the Independent television industry, I appreciate the opportunity to discuss the status of children's television programming.

Last year INTV testified before this subcommittee and detailed the development of new children's educational and informational shows. At that time, we noted that the market for this type of informational and educational programming was just beginning to develop. We urged the subcommittee to give the market a chance to produce popular programs that would meet the educational and informational needs of children. We noted that the public interest would not be served by forcing shows on the air that children will not watch. We predicted that the production community would create shows that are both educational and entertaining for children. Today, I am happy to report that since the enactment of the 1990 Children's Television Act, the amount of children's educational and informational programs has increased significantly.

I. WSYT'S PROGRAMMING DEMONSTRATES THAT INDEPENDENT TELEVISION STATIONS ARE MEETING THEIR CHILDREN'S PROGRAMMING RESPONSIBILITIES.

My station serves as a typical example of how the Children's Television Act is working. The amount and quality of children's educational and information programming has increased in terms of network programming, syndicated programming and locally produced programming.

In the first quarter of 1990, over a year before the Children's Act went into effect, my station was broadcasting essentially one regularly scheduled children's program. At that time, WSYT broadcast "Muppet Babies," a program aimed at pre-school aged children at 3:30 PM -- Monday through Friday. During this quarter, we also broadcast the anti-drug special, "Cartoon All Stars to the Rescue" at 10:30 AM on Saturday and at 8:30 AM on Sunday. As a station manager I wanted to do more. However, there simply was not enough quality product available on the market that would attract an audience.

By the Fall of 1991, the number of children's informational and educational programs more than doubled on my station. On weekday mornings we broadcast "Widget" at 6:30 AM, a program designed to educate children to environmental issues and "Muppet Babies" at 8:00 AM. On weekends we broadcast another environmentally oriented program, "Toxic Crusaders" at 7:00 AM, and "Bobby's World" at 8:30 AM, a program focusing on family life viewed through the eyes of a four-year old.

We also presented a locally produced show called "Back on the Block" which was designed to address the problems of young teenagers. The program aired every Sunday morning at 11:30 AM. The show discussed such topics as sexually transmitted diseases, teenage suicide, prejudice, sex for drugs, dealing with the death of someone close to you, drugs in the community, self esteem and how to handle a job interview. Producing this show taxed the resources of the station. We broadcast the show, in part, because the market for quality children's educational and informational programs had not yet fully developed and we felt a responsibility to provide local children's programming.

In addition, WSYT broadcast 43 different public service announcements specifically directed at children during the fall of 1991. The announcements covered a variety of topics including: staying in school; the importance of reading; kids shouldn't drink; school bus safety; bicycle safety; and avoiding drugs.

Throughout 1992, we continued to broadcast our regularly scheduled children's programs including "Widget," "Muppet Babies," "Toxic Crusaders," "Bobby's World" and "Back on the Block." During this time, we continued to broadcast, on average, over 60 separate public service announcements and short segment programs per quarter that were specifically directed at children. Each public service announcement and short segment program received multiple broadcasts. In addition, we programmed numerous children's specials. In January, we broadcast the

"G.I. Joe Anti-Drug Special." In September and October of 1992, we broadcast "Rock the Vote," an MTV style special to impress upon older teens the importance of exercising their right to vote. WSYT also broadcast "Ghostwriter," a program designed by public television to promote reading and writing. On October 17, 1992, we broadcast "A Kids Guide to Parenting," which discusses real-life issues confronting teens and their parents.

Last year, 1993, was a watershed year for children's educational and informational programming. New product entered the market. By the Fall, WSYT was broadcasting seven programs designed to meet the educational and informational needs of children. On weekdays we broadcast "Romper Room" at 2:00 PM, "Widget" at 5:30 AM and "XUXA" at 9:00 AM.

WSYT's weekend schedule included four regularly scheduled programs. Beginning at 7:30 AM we aired the "What's Up Network," winner of the Parents Choice Gold Award. "Bobby's World" was broadcast at 8:30 AM. On Sundays, Disney's new educational program "Adventures in Wonderland" was broadcast at 7:00 AM and "Bill Nye: The Science Guy" was broadcast at 7:30 AM.

WSYT continued its efforts to broadcast specials for kids and teens. On two separate occasions, June 7, 1993 at 8 PM and Saturday, June 12, we broadcast an hour long special, "Face the Hate," which took a hard look at racism and its causes. WSYT followed the June 7, 1994 special with its own locally produced half hour prime-time special at 9 PM called, "Under the Anger: Racism is More Than Skin Deep." This show was directed at