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April 24, 1997

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Federal Communications Commission
Office of Secretary

The Office of the Secretary
Federal Communications Commission
1919 M Street
N.W. Washington, D.C. 20554

Re: FORMAL SUR REPLY ON INDUSTRY PROPOSAL FOR RATING VIDEO PROGRAMMING. (CS Docket No 97-55)

Dear Members of the Commission,

I submitted formal comments indicating my dissatisfaction with the industry proposal in the initial comment period.

After some review of subsequent comments and suggestions by others, I am compelled to provide for your formal consideration, an outline of a rating method referred to as V.A.L.U.E. Charts. This rating method fulfils the requirements outlined in Section 551 of the Telecommunications Act of 1996.

Furthermore, my research of literature documenting rating methods in use in numerous other countries shows my approach to be somewhat unique. I have also had the opportunity to discuss with favorable response, the vchip compatibility of my approach with Mr. Tim Collings inventor of that blocking technology.

For a rating method to be useful and accepted it must be grounded in common sense and simplicity. It would be unfortunate to approve a rating method that will effectively blind the blocking technology it is meant to support.

On the other hand, if the rating method can be relied on, it will reinforce the positive aspects of the powerful medium of television.

Your consideration is greatly appreciated.

Sincerely,

Andre J.T. Douglas

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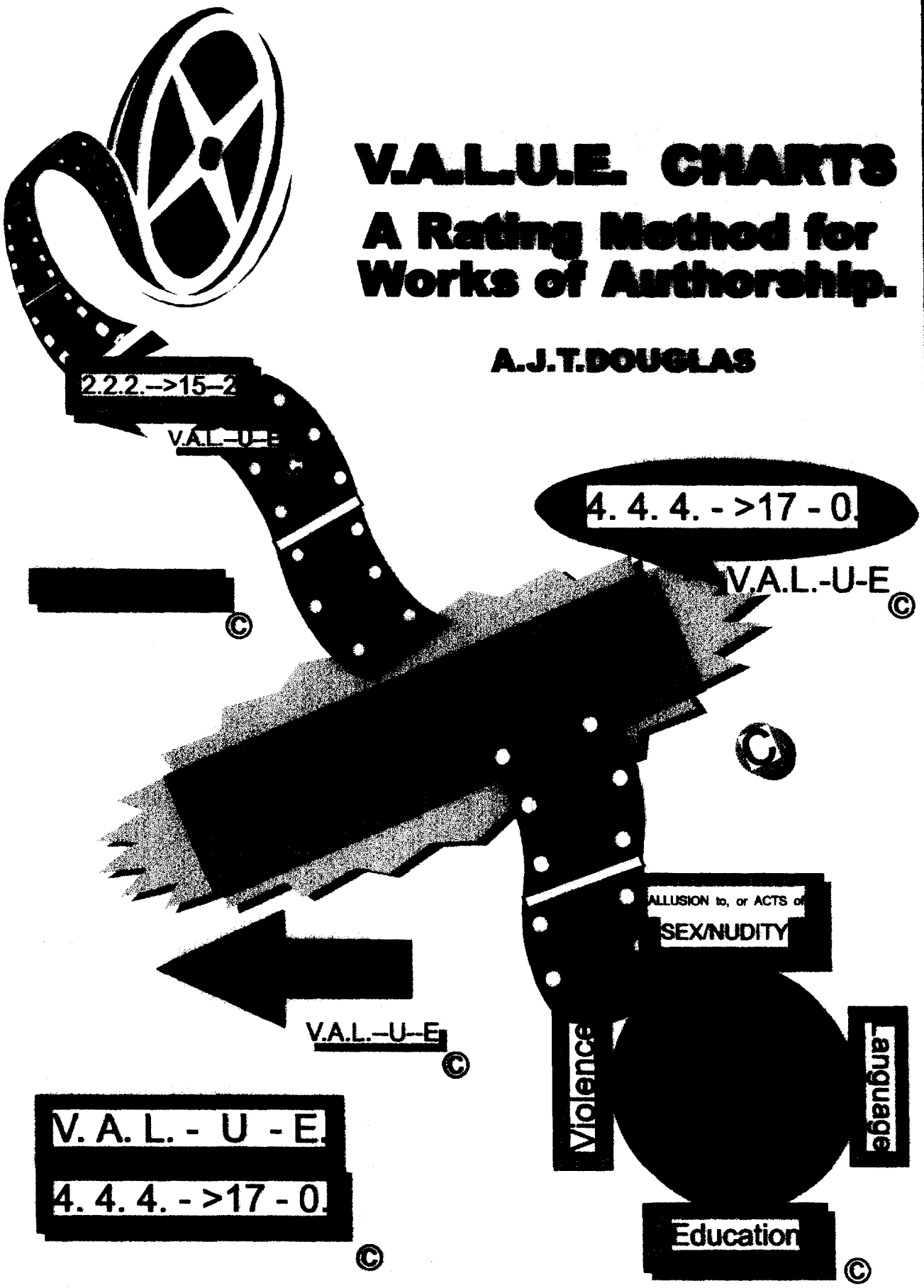
V.A.L.U.E. CHARTS

A Rating Method for Works of Authorship.

A.J.T.DOUGLAS



V.A.L.U.E. Charts.

A rating method for works of authorship.

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V.A.L.U.E. Charts.

A rating method for works of authorship.

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V.A.L.U.E. Charts.

OBJECTIVE

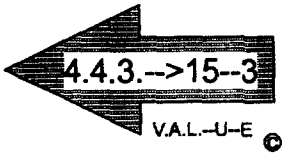
Presenting a program rating method, which provides quick, clear, and tangible information about program content without being overly judgmental. Its standardized benchmark or blueprint approach ***ensures that there is rating consistency***, which allows for the possibility that producers and the like, may fairly rate their own programs without the need for oversight entities, while the viewer can feel confident that the information given is representative of the actual content.

This rating method is referred to as a V.A.L.U.E. Rating Chart. Unlike other rating methods, it ***documents and categorizes the occurrence*** of sensitive subject matter. More importantly, this rating method is based on the concept of comparing program content, against a somewhat tangible blueprint of what could be described in mainstream America as commonly accepted public conduct. With this tangible blueprint, the Value Chart in essence ***indicates how far the program being rated has deviated from what is acceptable as common public conduct.***

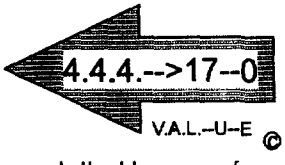
In qualifying what type of conduct should be deemed uncommon or unusual in a public setting. It may be best to take a position on the premise that, uncommon occurrences are uncommon because, the public at large, chooses to avoid and refrain from behavior not fitting morally or socially, in public.

The Value Chart further separates itself from other rating methods, by ***differentiating between fact and fiction.*** This allows for programs similarly rated in magnitude for graphic depictions of sensitive subject matter, to be more ***accurately judged for the programs educational worth, assuming that there is more value in reality than fantasy.***

One example of such a motion picture is the Steve Spielberg presentation of **"Schindlers List"**. This is a valuable portrayal of the Holocaust. It can be argued that the graphic portrayals of nudity, violence and language have their place in telling the sad but important lesson. This picture will receive ratings high on the scale for violence and nudity,



as would the motion picture **"Showgirls"**, it would be a shame to begin to compare them for their moral and social worth, but as you can see one is a significant educational experience and the other not.



It is easy then to see why it is imperative that the rating method itself be sensitive enough that lessons of moral and social value are not lost, or pigeon holed, along with what is simply fantasy or perversion.

The importance of the ability to differentiate becomes apparent when considering the affects of utilizing a program rating method to program a blocking technology such as the **"Vchip"**. If the rating method cannot differentiate between fact and fiction, then ***program-blocking technology will in effect be blind*** in rating similarly graphic material at opposite ends of the social spectrum. And so, the process of blocking will frustrate the user.

The primary focus should be to find a tangible reference point, rather than bombarding the user with what sounds like legal jargon. This will be user-friendlier and therefore useful. The Value Rating Chart anticipates these issues, thereby also allowing the user to maximize the benefits of this powerful medium of television by giving them the ability to anticipate and extract its educational value on demand.

Overall, this tangible reference point, based on the users general understanding of common public conduct, reinforces the Value Rating Chart, allowing it to more clearly convey program content. Furthermore, because of this familiar reference point, the user will more easily comprehend each degree of deviation of the rating itself, and therefore the viewer may more vividly anticipate the potential viewing experience.

V.A.L.U.E. Charts.

INTRODUCTION

The Value charts design is simple and uncomplicated, ***providing tools for quick reference and recognition.*** Its design is anchored in simplicity through standardization. The user confidently extracts the information required to make choices, because ***the information pivots on what is customary public conduct in mainstream American institutions like churches, schools, or places of business.*** More importantly, the user is given an idea as to whether the program has any learning, moral or social value. This aspect is significant because the user will clearly understand what they will get out of the viewing experience, before they make the commitment of time.

The Value Chart uses the word V.A.L.U.E. as its *title and acronym*. Aside from fitting with the ambition of improving family values, it serves as a reminder and prompt for the recollection of the subject matter content and sequence.

Sensitive subject matter is rated through the use of ***numeric values, which represent and characterize the onset of a significant occurrence.*** Each numeric value is allocated a definition for what constitutes that level of occurrence. These definitions are interchangeable throughout the range of sensitive subject matter in question.

A ***"Red Flag level"*** is provided within the numeric value scale. When this numeric value is used, it serves to warn the user of scenes containing subject matter, which is definitely uncommon and not usual in a general public setting.

The Value Chart includes an *educational component*. This is significant because, the user is given an idea of the factual and fictional content. It uses the same set of numeric values, with different definitions. These definitions help the user uncover the moral or social value of the program.

For a parent, this is a perfect **tool for predicting and balancing their child's exposure to reality or fantasy.**

The Value Charts combination of acronym, numeric values, and educational component *provides a tangible approach to program rating*. The acronym and numeric values also take advantage of ***including an age based component*** like that used in other motion picture rating symbols, which serve as a quick reference for those persons transitioning to the new method, or comfortable with an age biased baseline.

The Value Chart also provides a compressed and standardized configuration of the information provided. There are many untold space-saving advantages when these uncomplicated charts are applied to electronic screens, video and audio packaging, program listings and guides. More importantly, contains few variables, which is ideal for use with any program blocking technology.

Component descriptions and definitions are discussed individually hereinafter. It is important to note that, while the definitions may be elementary in nature, they are intended only to portray the versatile concept of the Value Chart. The definitions themselves may be refined or changed completely, without detracting from the essence of this program rating method. The Values Chart is grounded in the use of a theme appropriate word, acting as an acronym, which itself, represents and dictates the sequence of the subject matter being rated. The numeric scale, used in conjunction with the acronym, represents the onset and magnitude of occurrences of the subject matter being rated, and is applicable to all sensitive subject matter within the configuration. ***The educational component with its numeric values and associated definitions, are key to differentiating between the fruitful, or fruitless worth, of a program.***

V.A.L.U.E. Charts.

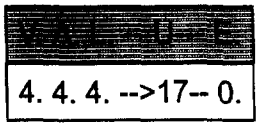
ABSTRACT

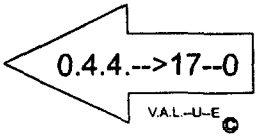
Chart Configuration

The Value Chart rating method is unparalleled and unique in its use of an acronym such as V.A.L.U.E. to provide a predictable sequence of letters, each representing the subject matter found in a work of authorship.

Numeric values serve well to represent magnitude for subject matter. In the case of the Value Chart rating method, the higher the numeric value associated with a particular letter in the acronym, the more vivid and numerous the occurrence of that particular subject matter.

Because there are relatively few elements in this rating method, the elements can be easily arranged into an array of simple and uncomplicated graphic displays or icons, as seen in the adjacent Examples:





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In fact, because the acronym is so simple to commit to memory. It is possible for a person to recognize the sequence of numeric values, without them being accompanied by the acronym itself, as is demonstrated in the example below:

2. 0. 1. -->13-- 1.

© AD 1997

2 0 1/>13/1.

© AD 1997

Basically then, it is a matter of arranging the letters of the acronym and the numeric values in a manner that is recognizable and pleasing yet exhibits the information in a concise format. **The result is an abundance of useful information provided in a logical and coherent layout.**

V.A.L.U.E. Charts.

ABSTRACT (continued)

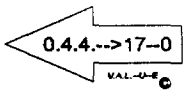
Advantages of the Value Chart rating method.

Once familiar with the Value charts catchy acronym and easy to understand and memorize numeric definitions, along with its age based indicator and educational component. **You quickly realize that *it is a truly effective tool for communicating in a non-judgmental fashion the content of a work of* authorship.**

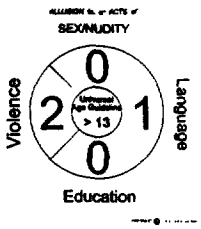
However, there are other more subtle advantages realized in the use of this versatile rating method.

The Value Chart simply does not consume a lot of valuable page space.

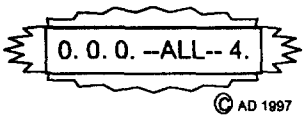
@ **Program listings will benefit** from the compact nature of this rating method, which holds a distinct advantage over many other generally verbose, thus limited rating methods. The Value Chart in as little as 6 or 8 characters can often convey all the information. The icon or symbol can literally be included in a bullet fashion at the end of a regular listing line, and still be as clearly legible as the text it is associated with.



@ **Unobtrusive on electronic screens**, because of its relatively few elements remaining uncluttered and compact when laid-out.



@ **Unobtrusive on packaging**, yet readily recognizable, due to its unique and consistent sequence.



Most importantly, the fact that this rating method, <u>unlike any other rating method</u>. Has the ability to differentiate between fact and fiction by including an educational component.

@ **The Value Chart rating method will remove blindness in any program blocking technology**. Because there will always be times when a truly beneficial program will include graphic scenes whether it is the Holocaust, open heart surgery, or lions on the African plains. ***Those users wishing to control fantasy and reality, will be frustrated by current rating methods when they are forced to block the good with the bad.***

V.A.L.U.E. Charts.

ACRONYM COMPONENT DESCRIPTION

Acronym.

Quick recognition and simplicity are key to the usefulness and acceptance of a rating method. An acronym serves that purpose well. There is added advantage when the acronym itself fits with the objective.

For example, in some circles, the abusive portrayals of violence, sex and language are considered the evils in society. For them the acronym E.V.I.L.S would be fitting, with each letter representing the following descriptors for subject matter, educational content, Violent content, Industry age based rating, Language content, Sexual content, respectively. However, the term EVILS, while an accurate analogy of sorts, may be somewhat abrasive to those required to label their product in such a negative light.

Possibly a more favorable approach would be to select a subtle but appealing word. One which is equally representative of the overall aim, and whose letters can be matched with the subject matter in question.

Much has been said about family values in recent years, prompting actions like the telecommunications reform act of 1996. The act calls for a program rating method to be implemented in conjunction with a program blocking technology like the Vchip. (One prominent US Senator in this debate was even heard commenting that the V in Vchip should represent "value").

With that in mind, V.A.L.U.E. serves well as a positive acronym. Understandable descriptive titles for subject matter can be found to match the letters in the acronym.

The following subject descriptors are proposed for use with the acronym V.A.L.U.E. in *Table 1* below.

TABLE 1: subject matter definitions for acronym letters.

V	Violent content.
A	Allusion to, or Acts of, sex and/or nudity.
L	Language content.
U	Universal age based indicator.
E	Educational content.

V.A.L.U.E. Charts.

SUBJECT MATTER NUMERIC VALUE DESCRIPTION

The purpose of using numeric values.

The Value Chart maintains an uncomplicated approach by ***utilizing the same numeric values for violence, sex/nudity and language.*** This essentially reduces the number of variables required to commit to memory.

The Value Charts theme is that the **numeric values represent occurrences and their associated degrees of deviation.** In doing so, the Value Chart has effectively created a rating method, which more clearly fulfils the need to be non-judgmental.

The definitions allocated to the Value Chart's numeric values are focused solely on **characterizing the onset of occurrence.** As discussed in the introduction, the premise for characterizing the onset of a significant occurrence is grounded in what mainstream America experiences and accepts, as common public conduct. This common code of conduct is not written per se, but it is familiar to most people, and evidence of its tangibility is routed in the general behavior of members of the public, on a daily basis.

Using this type of blueprint a person can understand what leads to a given numeric rating in the Value Chart.

For the numeric value to be used to document and characterize the onset and deviation of occurrences, then it is suggested that the rating method consider the graduating scale for deviation shown in *Table* 2 below. **Note: These are not the definitions for each value, but rather, what sequence of deviation of an occurrence is being represented at that value.**

TABLE 2: sequence of deviation for each numeric value.

COMMON PUBLIC CONDUCT	**No scenes** of uncommon or unusual occurrences for this subject matter.
FIRST DEVIATION *MODERATE*	**Infrequent and mild**, uncommon or unusual occurrences for this subject matter.
SECOND DEVIATION *SIGNIFICANT*	**A single yet significant**, uncommon or unusual occurrence for this subject matter.
THIRD DEVIATION *REPETICIOUS*	**Repeated significant**, uncommon and unusual occurrences for this subject matter.
FINAL DEVIATION *GRAPHIC*	**Graphic and gratuitous**, depictions of uncommon and unusual occurrences for this subject matter.

V.A.L.U.E. Charts.

SUBJECT MATTER NUMERIC VALUE DESCRIPTION (continued)

Defining the single significant occurrence.

Defining an occurrence can be made into a "Red Herring" issue by those obsessed with delaying, or opposing any rating system. However, if the ***focus is placed on identifying what behavior is common or familiar to most people***, a tangible yet non-judgmental guideline can be established for what should be considered a "*Significant Occurrence*", due to it being uncommon or unusual.

The need to identify a *significant occurrence* is crucial, because it will form the basis for recognizing the turning point, and subsequent deviations from what is generally acceptable behavior. Also, the act of Red Flagging the instant that a behavioral barrier has been violated leaves the individual with a tangible blueprint in the minds eye for them to decide how far they would like to deviate from that point in their viewing experience. Therefore, the focus should be to *define a blueprint* of what public behavior is common or usual to *mainstream America*.

The daily interaction between persons in the public setting ingrains an unwritten *blueprint* for a code of conduct. It may even be said that such a blueprint has been somewhat uniformly accepted based on our general appearance, gestures and conduct when in such public settings. For example:

a) Mainstream America practices an unwritten code for dress, language and interaction, when they attend public gathering places such as places of business, church, schools, restaurants, public meetings ... etc.

b) Mainstream America is consistently provided with examples by the images of public officials, teachers, television news personalities, and the like, attending functions and addressing the public in an acceptable manner deemed fit and respectful in the eye of the American public at large.

This may be an elementary analogy, in attempting to find a tangible "turning point" or "deviation", for ***identifying mainstream America's moral and social "blueprint for public conduct"***, but we must begin somewhere. We should then ask ourselves, if these examples were to be emulated by our children and others, would it have a detrimental effect on our society, or conversely, strengthen our society in the years to come.

We now have a so-called blueprint as a reference point, what is left then is ***to identify what behavioral barrier must be broken in order to be considered a deviation*** from that blueprint. Those degrees of deviation should indicate what can be tolerated in moderation, and what should be considered the turning point where uncommon or unusual behavior must be Red Flagged. It is that turning point, that is intended for the mid-point or "Red Flag" level, level 2, in the proposed program rating system.

Table 3 shows rudimentary guidelines in understanding the behavioral barriers or turning points for the Value Chart.

TABLE 3: Public conduct-blueprint. ➡➡➡ Increasing degrees of deviation.

Subject Matter	*Common public conduct = 0*	First deviation = 1 mild and in moderation	Second deviation =2 Uncommon -"Red Flag"
Nudity	No nudity	Revealing apparel	Partial exposure/nudity
Sexual	Affectionate greeting at most	Accentuated caressing without nudity	Groping with incidents of partial nudity
Language	Courteous and polite without suggestive content	Infrequent yet mild expletives non sexual in nature	Coarse expletives of four letter kind
Violence	Accidental / unintentional, such as trip and fall without harm or injury	Comedic, infrequent open hand without harm or injury	Injury and harm due to, fist fighting, weapon wounding, violence against woman and children

V.A.L.U.E. Charts.

SUBJECT MATTER NUMERIC VALUE DESCRIPTION (continued)

Establishing definitions for each numeric value.

Numeric values and their definitions should be kept simple and easy to understand. It is essential that each numeric value's definition can be applied to rating violence, sex/nudity, or language, with equal interpretation. This will ensure that a non-judgmental picture of the subject matter has been provided. It also effectively reduces the number of components and variables for the user to commit to memory.

The Value Chart method bases its numeric definitions on the fact that, for most people, their daily experiences in public settings provide tangible definitions or blueprints for behavioral barriers when dealing with sensitive subject matter. Because the average American has experience in presenting themselves appropriately in general public settings such as, churches, schools, shopping malls, places of business, and the like. They then share a somewhat similar minds eye point of reference or understanding, as to what conduct to expect in a given situation.

The premise here is that, in the process of reviewing a program, the viewer or parent, should feel confident that their interpretation of the definitions closely matches that of the individual applying the rating.

Ultimately the rating method should simply alert the viewer the instant a single image or scene deviates from the usual or common public conduct. This will in effect quality as a timely and tangible warning as to the potential impact those images may have on the viewing experience.

Once a viewer understands that a deviation exists, thereafter it is simply a matter of being able to determine whether the deviation is a single occurrence or repetitious, or if it is a gratuitous depiction.

A numeric value should be chosen as the cautionary or "Red Flag" level. The "Red Flag" caution, should represent the occurrence of any scene, determined to be significant, because the scene has deviated significantly if not intolerably from the bounds of what the average person should expect in a general public setting.

This approach can be made to fit everything from speech patterns, gestures, physical interaction, and the like.

Application of the numeric values after they have received definitions is relatively straightforward. The numeric values are aligned in close association to one another, and in the sequence dictated by the letters of the acronym.

Each numeric value and definition applicable to the sensitive subject matter (violence, sex/nudity, and language) is shown individually in *Tables 4, 5, 6, 7, & 8.*

V.A.L.U.E. Charts.

SUBJECT MATTER NUMERIC VALUE DEFINITION DESCRIPTION (continued)

Example tables showing numeric values, and their definitions for sensitive subject matter.

Table 4: numeric, contents value zero.

0	Contains ***no scenes*** or occurrences, uncommon or unusual in a general public setting.

Table 5: numeric, contents value one. Also regarded as first deviation.

1	*Contains* ***incidental scenes*** or occurrences, which may be considered slightly unusual a general public setting. The viewer is cautioned that mild or subtle depictions of this subject matter infrequently occur.

Table 6: numeric, contents value two. Also referred to as "Red Flag" caution level.

2	*Contains* ***a single scene*** or occurrence, which is significant and uncommon in a general public setting. The viewer is warned that this is a **"Red Flag"** requiring parental guidance and consideration as to the appropriateness of the scene.

Table 7: numeric, contents value three.

3	*Contains* ***repeated scenes*** or occurrences, which are significant and uncommon in a general public setting. The viewer is strongly warned that serious consideration should be taken in exposing youth to such repeated occurrences of this subject matter.

Table 8: numeric, contents value four.

4	*Contains* ***graphic and explicit scenes*** or occurrences, which are significant and uncommon in a general public setting. The viewer is advised that these occurrences are potentially disturbing, and are not recommended for anyone sensitive to this type of subject matter.

V.A.L.U.E. Charts.

EDUCATIONAL COMPONENT DESCRIPTION

Numeric values, and definitions, for educational content.

Identifying educational value is useful in ***differentiating between fact and fiction, or fantasy and reality***. This is important because, it is possible for several works of authorship, to include similarly graphic levels of sensitive subject matter while having diametrically opposing moral and social worth.

It has been said that, the depiction of sensitive subject matter is part of the creative process. Therefore, rather than hinder that process, we should find a common basis for determining the worth of that sensitive material in one program over the other.

This may be effectively accomplished by asking which of the group of similarly graphic programs has exonerating qualities. That exonerating quality may be found in its potential moral or social value, or lesson. Assuming that there is added value associated with learning and reality. Occurrences of sensitive material should then be ***weighed for what good can be drawn form the overall work*** of authorship or program.

Arguments can then be made that, if there is truly a moral or social value, justifying a higher educational content score in one program over another. Then the age guideline can be made more flexible for the program with exonerating qualities, if the parent can use the viewing experience as a learning opportunity, i.e. "Schindlers List".

Allocation of numeric values for educational content is a major component and unique to the Value chart. Each numeric value receives a definition for the potential weight of morally and socially useful properties expected at that level. As with the main numeric values used in the Value Chart, there should be some public discussion as to exact definition used for each numeric value.

As an example, it would be helpful if the lower numeric value of the educational numeric scale was considered a depiction of fantasy, due to a lack of any significant moral or social message or lesson. The higher end of the numeric scale should then be considered at depiction of valuable fact.

Each numeric value and definition for educational content is shown individually in *Tables 9, 10, 11, 12, & 13.*

V.A.L.U.E. Charts.

EDUCTAIONAL COMPONENT DESCRIPTION (continued)

Example tables showing numeric values and definitions, for educational content.

Table 9: numeric educational value, zero.

0	A work of ***fiction or fantasy***, in that it depicts highly imaginative characters or settings that have no equivalent in reality. Lacking any prominent message depicting positive moral or social benefits.

Table 10: numeric educational value, one.

1	A work of ***fiction or fantasy***, in that it depicts highly imaginative characters or settings that have no counterparts in the real world. Unsubstantial and unclear as to a positive social benefit or value.

Table 11: numeric educational value, two.

2	A work of ***fiction, portrayed, in an authentic tone*** apparently real but not so. Contains a clear and prominent message depicting positive moral or social benefits.

Table 12: numeric educational value, three.

3	A work ***Based on Fact***, having a theme based on reality. Credible and beneficial information exists in some positive moral or social way.

Table 13: numeric educational value, four.

4	A work of ***Fact***, being known to be true. Documentary of reality.