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

MAY - 8 1997

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Industry Proposal for)
Rating Video Programming)
)

CS Docket No. 97-34 ⁵⁵ *le*

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REPLY COMMENTS OF THE
CONSUMER ELECTRONICS MANUFACTURERS ASSOCIATION

The Consumer Electronics Manufacturers Association ("CEMA") hereby replies to the comments that were filed in response to the Public Notice ("*Notice*") which the Commission issued in the above-captioned proceeding on February 7, 1997.¹ In the *Notice*, the Commission has solicited comments on the joint proposal submitted by the National Association of Broadcasters ("NAB"), the National Cable Television Association ("NCTA"), and the Motion Picture Association of America ("MPAA") describing a voluntary industry ratings system for video programming (the "Industry Proposal").

In its initial comments, CEMA made a number of recommendations regarding the Commission's adoption of guidelines and procedures for the identification and rating of video programming pursuant to Section 501 of the Telecommunications Act of 1996 ("Telecommunications Act").² Specifically, CEMA suggested that the Commission implement a single rating

1 See "*Commission Seeks Comment on Industry Proposal for Rating Video Programming*", Public Notice, CS Docket No. 97-55, FCC 97-44 (released Nov. 8, 1996) [hereinafter "*Notice*"].

2 Pub. L. 104-104, 110 Stat. 56 (Feb. 8, 1996).

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system which, once established, would not be changed for the foreseeable future. CEMA also requested that it be represented on any advisory committee which the Commission may form as contemplated in the Telecommunications Act.³

A review of the comments filed by other parties reveals a wide range of disparate views regarding the nature of information that should be provided to parents under any video program rating system adopted by the Commission. For a variety of reasons, many commenters express dissatisfaction with the age-based advisory system set forth in the Industry Proposal. Instead, various parties advocate the Commission's approval of alternatives that would provide content-descriptive information,⁴ identify educational programming,⁵ or allow parents the option of selecting among multiple ratings systems.⁶

CEMA continues to believe that the adoption of a single rating system would provide the best and simplest solution for broadcasters, program producers, television receiver manufacturers and, most importantly, the American public. CEMA recognizes, however, that the Commission may find it difficult to assemble a consensus around any one system, and therefore may wish to consider the adoption of multiple program ratings systems.

³ *Id.* at § 551(w)(2)

⁴ *See, e.g.*, Comments of the Center for Media Education, *et al.*, Comments of Members of Congress, Comments of the University of California, Santa Barbara Research Team.

⁵ *See* Comments of the Public Broadcasting Service.

⁶ *See, e.g.*, Comments of the American Medical Association, Comments of Benton Foundation, Comments of OKTV.

The commenters' wide range of views on the sort of information that a program ratings system should contain makes it all the more essential that the Commission assemble a strong consensus around a system or systems before adoption. As noted in our Comments, once mechanisms to receive and decode ratings have been built into television receivers, any changes to the existing ratings format cannot be made without rendering obsolete receivers that are already in viewers' homes. Any system or systems selected by the Commission must serve well into the foreseeable future.

While adoption of more than one ratings system is technically feasible under EIA-608⁷, the complexity of the blocking technology to be included in television receivers will increase with the number of rating systems that must be accommodated. Multiple rating systems will necessarily place a burden on the parent to choose among a number of options, and then input the appropriate information into the receiver. Any multiple ratings system adopted by the Commission must be designed so that implementation will not require adding additional complexity to the television user interface. It is axiomatic in the consumer electronics industry that, unless a feature is simple to operate, it will not be used. If multiple ratings systems generate consumer confusion or frustration, the fundamental goal of this proceeding -- namely, empowering parents to block objectionable programming -- will not be fulfilled.

The Commission should also be aware that, in the analog environment, delivery of multiple ratings systems will necessarily impact the speed with which a television receiver will be

⁷ ANSI/EIA-608 is a voluntary industry standard which provides for the transport of program rating information on line 21 of the vertical blanking interval (VBI).

able to receive and respond to ratings commands. Under EIA-608, content advisory data will share line 21 with other data and services such as closed captioning, program descriptions, and National Weather Service messages. Multiple ratings systems will increase the amount of data traffic on Line 21, thus increasing the delay or "latency" before content advisory messages can be inserted into the data channel and acted upon by the receiver.

Assuming that a single rating system is being transmitted, EIA-608 is designed to repeat rating information at least every three seconds -- in other words, if a viewer switches to a channel displaying a program which must be "blocked", the blocking will take effect in three seconds or less. Since the data transmission channel has a finite capacity, the addition of other content advisory systems will cause the three second response time to be exceeded. For contemporary viewers who change channels via remote control and expect a nearly instantaneous response from their receiver, a delay of greater than three seconds could result in frustration and a decision to forgo use of the blocking mechanism altogether.

While digital transmission's increased data capacity should remove latency as an issue, it is important that whatever program rating systems is approved operate and remain place in both analog and digital environments. For example, while broadcast television has already begun the transition from analog to digital, cable providers may continue analog transmission indefinitely. In addition, set-top digital converters must be able to pass digital program ratings data to an analog receiver in such a way as to activate the receiver's blocking mechanism.

Regardless of the Commission's choice among single or multiple systems, CEMA notes that the Telecommunications Act requires that covered television receivers receive "rating

signals which have been transmitted by way of line 21 of the vertical blanking interval [VBI] and which conform to the signal and blocking specifications established by industry under the supervision of the Commission."⁸ Although some commenters advocate carrying rating information in other parts of the VBI,⁹ a rule mandating such receiver design at this point would be contrary to the express language of the statute and unnecessary from both a technical and a public policy standpoint.

Finally, the number of parties advocating complex or multiple rating systems highlights the essential role that television receiver manufacturers will play in delivering program identification and blocking technology to the public. "V-Chip" blocking technology will not benefit a family unless it is actually used. It will be up to the receiver manufacturers to provide sufficient information and a simple, intuitive user interface that will encourage parents to access and utilize blocking capabilities. CEMA therefore restates its request to be included on any advisory group formed to assist in developing a program rating system. Through their active participation receiver

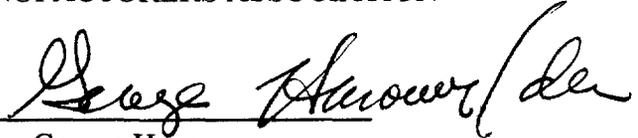
⁸ 47 U.S.C. § 330(c)(3).

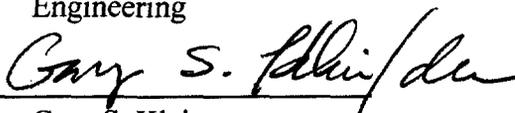
⁹ *See, e.g.*, Comments of the American Medical Association at 4 ("If necessary, . . . Lines 15-20 of the VBI could also be used for rating information.")

manufacturers can work as closely as possible with programmers, the Commission, and the public to ensure that this important new viewer technology can be accessed in a cost-effective and user-friendly manner.

Respectfully submitted,

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