

# Robert S. Block

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September 27, 1997

To: Office of the Secretary, Federal Communications Commission 1919 M Street, NW Washington, D.C. 20554
Fr: Robert S. Block
Re: CS Docket No 97-55

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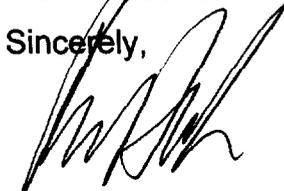
Dear Secretary:

I herewith submit 9 copies of my formal comments in the above Docket. Please forward a personal copy to each Commissioner.

If additional information or copies are required, please notify me.

I wish to participate in person in any Commission hearings related to this Docket and/or any hearings related to the establishment of technical rules relating to the transmission of Parental Control signals and the inclusion of Parental Control technology in new television sets.

Sincerely,



Robert S. Block

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## COMMENTS ON REVISED INDUSTRY PROPOSAL FOR RATING VIDEO PROGRAMS

This submission is supplementary to our earlier submissions and is to be considered in connection with our other comments.

### 1 - HAVE VOLUNTARY RULES BEEN PROVIDED

It is our view that voluntary rules have been provided. These voluntary rules should be considered minimum requirements but they should not have the effect of limiting the amount of information which can be provided to viewers. This is especially true regarding the technology defined to support Parental Control.

In earlier submissions, we suggested that Parental Control is only one of the applications of Information Labeling. Even for Parental Control, the proposed rules fall far short of what parents really need. For example, most of the information provided under the proposed rules is designed to help parents understand which programs to *deny* to their children. The rules provide parents with virtually no help to assist them in deciding which programs they *want* their children to see. More information would make that possible.

We realize the legislation does not require the introduction of a positive aspect of parental guidance. However, we strongly encourage the Commission to establish technical procedures that allow and promote the provision of such information.

As we suggested in an earlier submission related to this Docket, the Commission's decision with respect to this issue is likely to affect the transition to digital communications. The new Commission rules will govern the technology to be used in the next generation of television sets, and thereby affect viewers for many years. A technical definition of the system for Parental Control that takes only the proposed voluntary rules into

consideration will severely limit future innovation. Labels that give viewers information about the content of programs and the related technology that uses those labels to help viewers select and control what is viewed, will provide the means for the public to make informed choices. We encourage the Commission to establish technical rules and standards that foster provision of more information for viewers and further facilitate its use.

## 2 - ARE THE PROPOSED RULES "ACCEPTABLE"

The proposed rules are an "acceptable" beginning, but not an acceptable limit. Please see our comments above and below as well as those in previous submissions.

## 3 - HAVE PROGRAM DISTRIBUTORS AGREED VOLUNTARILY TO BROADCAST RATING SIGNALS

While most existing distributors appear to have voluntarily agreed to broadcast the rating signals called for in the voluntary proposal, we believe FCC rules must require *all* distributors of programs to distribute approved rating signals. The transmission of such signals should not be on a voluntary basis.

The rules should provide for the possibility that the Commission will approve alternate "acceptable" rating approaches and/or increase the information that is required to be distributed. The Commission rules should also grant distributors the right, at their discretion, to transmit additional information concerning program content and should encourage a continuing dialog on how additional information can help the public get more out of the entertainment and information systems that are so vital to our national interests.

When the Commission deals with the technical rules for the transmission of information labels and the specification of the technology to be built into TV sets for the reception and use of such signals, adequate bandwidth must be allocated for the expanded use of information labels.

## 4 - DOES THE REVISED PROPOSAL SATISFY CONGRESS' CONCERNS

The revised proposal appears to satisfy some of the principal concerns, but it fails to deal with other important issues.

For the most part, television is driven by what viewers want to see; but there are other powerful forces that influence what is shown on television. These include advertiser's concern with respect to the environment in which their commercials shown, the moral and economic power of social activists and religious organizations, the effect of concerned citizens, and the laws and rules applied by government.

As we have seen, the industry wants to limit content information. They have expressed a fear that the provision of content information may directly or

indirectly influence the programs in which advertisers place their spots. The industry is probably right. If more content information is available, advertisers can more accurately measure, and then influence, the environment in which their advertising is placed.

That's good, not bad. While Americans cherish and honor free speech, we also cherish and honor free enterprise, and freedom of choice. Advertisers have the right to make judgments about where their advertising is placed, activists have the right to make objections, and all citizens have a right to informed choice. By limiting information about the content of programs, these other important rights are limited, and pure popularity is given a stronger role.

**5 - SHOULD THE COMMISSION DETERMINE ACCEPTABILITY OF ALTERNATIVE RATING SYSTEMS**

Yes, the Commission should encourage the expansion of this activity to permit alternative and expanded labels for television programs.