



Our Kids TV

EX PARTE OR LATE FILED

January 23, 1998

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Magalie Rolmas Salas, Esq., Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Ex Parte Presentation in Dockets CS 97-55/and ET 97-206

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, Richard S. Leghorn, President, The Children's Television Consortium (d.b.a. OKTV™) had meetings at the Commission on January 21 and 22 with the following:

Cable Services Bureau

John Logan
JoAnn Lucanik
Claire Blue
Mark Menna

Office of Engineering & Technology

Karen Rackley
Neal McNeil

Office of Commissioner Furchtgott-Roth

Helgi Walker

Office of Commissioner Ness

Anita Wallgren

Office of Commissioner Powell

Jane Mago

Office of Commissioner Tristani

Rick Chessen

Copies of the attached Discussion Outline and my edited remarks at the Communications Forum Luncheon in Washington on May 14, 1997 were discussed and

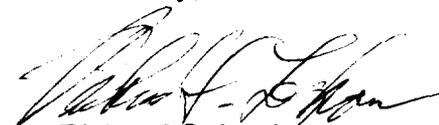
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Magalie Rolmas Salas, Esq., Secretary
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Page 2

left with the above. Because Susan Fox, who deals with V-chip matters in the office of Chairman Kennard, was out of town and because Marsha MacBride was unavailable, we are mailing to them copies of these documents for possible discussion by phone.

Sincerely,



Richard S. Leghorn

Enclosures

cc: Susan Fox
Marsha MacBride



Our Kids TV™

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FEDERAL COMMUNICATIONS COMMISSION

Discussion Outline
Re filings in FCC Dockets CS 97-55 and ET 97-206
("V-chip" Implementation Issues)

These dockets implement the 1996 Telecommunications Act, Section 551, establishing the compelling government interest in helping parents protect their children from harmful TV programs. Section 551 provides for parents to have access over the nation's TV infrastructure to timely, relevant information regarding program content; provides for technology so that parents can conveniently act on this information, whether or not they are at home; and says nothing about limiting parental access to content information provided only by the industry, or by an Advisory Committee of the Commission.

- 1. Contrary to industry comments, the record shows that the entire medical community and all parental advocacy groups filing comments, each of which has an extensive membership, strongly recommend that technical capacity be made available for multiple rating codes as the Commission has proposed.**

These filings include those of the American Academy of Pediatrics, the American Association of Child and Adolescent Psychiatry, the American Psychiatric Association, the American Psychological Association, the American Medical Association, Ameritech New Media, Inc., the Center for Media Education, the Children's Defense Fund, Children Now, Tim Collings et al, IPPV enterprises (Robert S. Block), the National Association of Elementary School Principals, the National Education Association, the National Institute on Media and the Family, the National Parent Teachers Association, OKTV Foundation, Wilson Sonsini Goodrich & Rosati (representing certain equipment manufacturers), Professor Joanne Cantor, University of Wisconsin and John Livingstone, M.D., Harvard University.

Industry comments trivialize what is broad, undeniable and long-standing public and scientific support for parental access to multiple ratings. It is astounding and misleading that the industry has mischaracterized these non-industry positions as representing only "a handful of parties."

2. Restricting parental access to only a single source of program information is wrong:

- it undercuts parental empowerment to tailor program choices to fit the needs of their own family
- it serves parental and public interests in child protection only minimally
- it would be an anti-competitive monopoly service
- it is contrary to First Amendment values of free expression and diversity of information
- it is not supported by the specious claim that parents prefer only one, industry developed rating system based on industry-supported Canadian study.

3. Parents should have the opportunity to choose an independent advisory service (such as OKTV) because it offers substantial advantages compared to the industry's proposal:

- it is based on 20 years of medical and social research and is not influenced by a requirement to attract advertising revenues, a market constraint on any industry system
- because of superior commonality of ratings, independent systems can be more viewer friendly, less frustrating to parents and more consistent with the "common rating" mandate of Section 551
- a positive default system (information codes trigger receiver switches to pass safe programs) is superior to the industry's negative default system (information codes trigger switches to block harmful programs) for operational and policy reasons, such as offering parents an ability to block unwanted programs
- OKTV appraisals are not on-screen labels; content information is displayed only on demand by parents, thus minimizing "forbidden fruit" concerns of parents and "slippery slope" concerns of the industry.

4. Contrary to industry assertions, OKTV does not:

- interfere with broadcasters' rights of free speech; carriage of rating codes on line 21 is no more than necessary to serve the compelling government

interest in child protection articulated in Section 551, and merely provides parents with information enabling them, and not government, to make decisions about which programs their children may watch

- propose that line 21 function as a common carrier; only as a specialized carrier of rating codes responsive solely to this compelling government interest (somewhat like closed captioning codes).

5. Costs of providing parents with access to independent program advice will be trivially more than the current industry proposal and are overwhelmed by the industry's public interest obligations arising from free use of spectrum.

6. A determination re the technical requirements of a communications system for distributing information codes serving the purposes of Section 551 should be decided before, or simultaneously with a decision in Docket 97-55:

- questions regarding data packet, transmission and operating protocols can be based, with minor fine tuning, on manufacturers' proposals to which the distributors' proposal can be readily accommodated
- based on experience, the industry may want to introduce a new, "backward compatible" system; this can be readily achieved through a communications system capable of carrying multiple ratings
- the current industry rating proposal is so flawed that unless parents have access to alternatives, the industry proposal by itself can hardly be considered "acceptable" even if it makes a limited contribution to satisfying Congressional intent
- questions regarding minimum specifications for the viewer interface require significant Commission decisions, as proposed by CME et al, NAB et al, OKTV and others.

In sum, the Commission should not deviate from its proposal that its "V-chip" rules must provide parental access to multiple sources of content information.