

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Extension of the Filing Requirement) MM Docket No. 00-44
For Children's Television Programming)
Reports (FCC Form 398))

COMMENTS
of the
CENTER FOR MEDIA EDUCATION

The Center For Media Education ("CME"), by its attorneys the Institute for Public Representation, respectfully submit these comments in response to the Further Notice of Proposed Rulemaking ("FNPRM") in the above referenced proceeding. CME commends the Federal Communications Commission ("Commission" or "FCC") for adopting most of its recommendations, including extending the filing requirement for the Children's Television Programming Reports ("Reports"), requiring broadcasters to file these reports electronically with the FCC on a quarterly basis, and amending the 398 Form. See *Comments of CME, et al.*, MM Dkt. No. 00-44, filed June 12, 2000. These changes serve the crucial purpose of helping to better inform parents, the public and the Commission as to how broadcast licensees are serving the educational and informational needs of children.

CME also support the Commission's proposal to "allow stations, at their option, either to post the quarterly report on the station's own internet website, or to create a link on the station's website directly to either the FCC's children's television webpage or to the station's most recent quarterly report on the FCC's children's television website." FNPRM at ¶ 26. The Children's Television Act of 1990 ("CTA") requires broadcasters to provide informational programming

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serving the educational needs of children. 47 U.S.C. § 303b. Requiring broadcasters to post their reports on the Internet will provide easier public access to information and facilitate enforcement of the CTA by helping parents and the public monitor a station's performance. *Policies and Rules Concerning Children's Television Programming*, Report and Order, 11 FCC Rcd 10660, 10682 (1996). Indeed, public information initiatives are an "integral part of the children's programming rules." *FNPRM* at ¶ 5. This requirement would not be duplicative, because as the Commission noted, members of the public would likely look first to their local broadcast station, rather than the Commission, for information about the programming of the station. *FNPRM* at ¶ 26.¹ Moreover, since a broadcaster is required to post its Equal Employment Opportunity Files on its website,² there is no reason why the FCC should not require the same for its children's programming reports.

Requiring broadcasters to post FCC Form 398 on their websites or to create a link to the FCC's children's television webpage would not be unduly burdensome. The majority of broadcasters in the top 100 markets already have existing websites. Of 773 TV stations polled by Ball State University and RTNDA, 88% said they operated websites. *See* COMM. DLY, *Annual RTNDA/ Ball State University Annual Survey of Broadcast News* (Oct. 12, 2000). Requiring

¹ The Commission should also clarify that if broadcasters opt to post a link to the FCC's children's television webpage or the station's quarterly report, the link must be clearly labeled and conspicuous.

² *Review of the Commission's Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding*, Report and Order, 15 FCC Rcd 2329, 2380 (2000) ("*EEO Order*"), *recon. denied*, FCC 00-38 (Nov. 22, 2000).

broadcasters to post FCC Form 398 on existing websites would impose *de minimis* costs.³ *FNPRM* at ¶ 26. Broadcasters who choose to post the 398 Form on their own websites would not be required to create a permanent archive of the Reports but simply maintain the information on their websites for their license renewal term of eight years. Nor should the labor costs involved in posting additional information on a broadcaster's website be expensive. Many stations already have at least one employee working full-time on Internet activities. See COMM. DLY, *Annual RTNDA/ Ball State University Annual Survey of Broadcast News* (Oct. 12, 2000).⁴ Even if a station needed to hire out-of-office help to update the site, it would only cost the broadcaster approximately \$20-\$30 every three months to do so.⁵ Therefore, the cost of adding a 3-5 page 398 Form on a quarterly basis to a website does not constitute a costly burden.⁶ The costs associated with simply adding a link to the FCC's children's television webpage would be even less.

³ When a business purchases a website package from a website host, the package usually includes a certain amount of disk space to maintain information on the website. Prices vary from host to host depending on the package offerings, but one thing that remains constant is the negligible cost of adding more storage space to an initial package. Most website hosts charge around \$0.50 for every megabyte ("MB") over the initial allotted MB space. See, e.g., *Net Communications Website Hosting Services*, at <http://www.netnation.com/products/ezsite.cfm>; *ABR Solutions Web Presence Provider*, at <http://abrsolutions.com>; *Host \$ave: The Affordable Way to Web*, at http://www.hostsave.com/hosting_cost.html. Some large web hosts charge as little as \$0.04 per additional MB for large corporations. *Value Web 1-800 We Host U*, at http://www.valuweb.net/products/corporate_hosting.html.

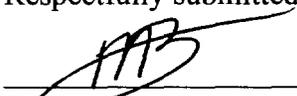
⁴ Asking a station's designated Internet employee to spend an hour or so once every three months to update a station's website would not incur large costs.

⁵ These figures are based on discussions between counsel for CME and several website host operators at Eclectic Designs.Com and ABR Solutions.

⁶ Indeed, in the EEO proceeding, broadcasters argued that they should be able to satisfy their obligations by advertising job vacancies solely on the Internet because of its cost efficiencies. *EEO Order*, 15 FCC Rcd at 2368.

For the foregoing reasons CME urges the Commission to expeditiously require broadcast licensees to post their quarterly 398 Form on their websites or to create links on the stations' websites directly to either the FCC's children's television webpage or to the stations' most recent quarterly report on the FCC's children's television website.

Respectfully submitted,



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