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VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals Building, Room 2-A622
445 Twelfth Street, S.W.
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

**Re: Notice of Oral Ex Parte Presentation
Children's Television Obligations
of Digital Television Broadcasters
MM Docket No. 00-167 (FCC 04-221)**

Dear Ms. Dortch:

Yesterday, Bert Carp on behalf of Turner Broadcasting System's cable networks, Susan Fox of Disney, Bill LeBeau of NBC/Telemundo, Anne Lucey of Viacom, Jill Luckett of NCTA, Maureen O'Connell of News Corporation, Andra Shapiro of Nickelodeon, Michael Skagerlind of Nickelodeon Online, Steven Teplitz of Time Warner, Amy Wolverton of Discovery Communications, and the undersigned on behalf of the WB Network, met with Media Bureau Chief W. Kenneth Ferree, Media Bureau staff members Deborah Klein, Bill Johnson, Rick Chessen, Barbara Kreisman, Mary Beth Murphy and Kim Matthews, and Marilyn Sonn of the Office of the General Counsel, primarily to discuss the Commission's recently-released decision to regulate the display of Internet website addresses during children's television programs.

We stated that although each of our companies supports the Commission's objective of deterring over-commercialization in program-related children's websites, compliance with the new requirements (Sections 73.670(b) and (c) of the Commission's Rules) by their current February 1, 2005 effective date will be difficult. We explained that since the Commission had not previously proposed to limit the display of website addresses except in the context of future interactive technology, our companies were unprepared for the decision to regulate non-interactive website displays virtually immediately. Each company must structure a plan of compliance in the face of uncertainties about what precisely the Commission intends to permit, and then reconstruct its site or sites accordingly. In light of the fact that the advertising content on these sites generally provides only a modest level of support for the noncommercial content of the site, we explained that we hope to have to rebuild our websites only once, following

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clarification of the Commission's requirements, rather than repeatedly. We therefore requested that the effective date of the new rules be deferred to January 1, 2006, consistent with the effective date of many of the other requirements in the recently-released FCC decision.

We also discussed the attached series of questions regarding the recently-released decision, and related issues. The discussion demonstrated significant uncertainty regarding how these new rules are intended to work. In light of that fact, as well as the costs of modifying existing contractual commitments and redesigning websites after these issues have been resolved following petitions for reconsideration, we indicated that deferral of the effective date is warranted.

Pursuant to FCC Rule 1.1206, an original and one copy of this filing are being submitted to the Secretary.

Respectfully submitted,

Barbara K. Gardner

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Attachment
cc w/attachment:

W. Kenneth Ferree
Deborah Klein
Bill Johnson
Rick Chessen
Barbara Kreisman
Mary Beth Murphy
Kim Matthews
Marilyn Sonn

QUESTIONS REGARDING FCC'S CTA REQUIREMENTS

Websites

1. Is "2-clicks, 3rd-page" before commercial content the new standard for CTA-compliant websites? (By "CTA-compliant," we mean that it meets the four prongs.)

On pages preceding commercial content, can we promote non-commercial content located on other pages of the site or to other websites where commercial content also appears? (For example, could page two urge users to go to a certain page to play a noncommercial game, even though there is also commercial matter on the game page? Similarly, will the "2-clicks" requirement prohibit links to other network program homepages that may have e-commerce, advertising, or other commercial matter on their homepages?)

How about airing a direct path address for a portion of a website that satisfies the four conditions, but that contains as part of the URL address an address for a website that does not meet the above conditions?

2. Is there a "click-back" exemption where a CTA-compliant website employs the 2-clicks, 3rd-page mechanism? For instance, there may be technology that permits a user to visit the first two pages without advertising, but click back to those same pages and advertising appears (in other words, the advertising is suppressed during the first visit to the pages, but not when back-clicked to them).
3. Does marking advertising "AD" or "Advertisement" meet the requirement that commercial sections be "*clearly labeled to distinguish*" them from noncommercial sections? If not, what label would be satisfactory?
4. What constitutes host-selling in an online environment? Does the character actually have to pitch the product or service? Does the host-selling restriction only restrict the placement of website addresses that use program characters to pitch products or services, or does it apply more broadly to prohibit any ability to air website addresses that use program characters to pitch products or services?
5. If a website does not comply with the four prongs but has no host selling, can we display its address *during program segments* as well as during commercial breaks, as long as we treat those displays as commercial matter that counts toward the commercial limits?
6. Are PSA's permitted on pages preceding commercial content?
7. If a website complies with the four prongs, can we do a full-blown, 30-second promotion for that site?

Preemptions

1. If we reschedule a core program to a "second home," does that count as a preemption?

E/I Symbol

1. The E/I symbol is supposed to be displayed “throughout” an E/I program. Shouldn’t it be removed during everything but the program segments, or at least removed during commercial breaks?

Can we put the E/I letters inside our current icon to keep it consistent with our past icons? Are we required to air during the last act of the program, which typically contains the credits?

Promotions, Etc.

1. What are the parameters for qualifying a show as educational and informational for the promotional restriction? Does each episode have to be qualified separately, or the entire series as a whole?
2. Interstitials, navigational elements, end credit promos, and PSAs: How about special programming events (hosted interstitials, marathons) that include characters, clips and music from some E/I shows and some other shows? Do they constitute commercial matter? How about bumpers and content separators –if they have characters from shows that aren’t E/I do they constitute commercial matter? How about promos aired during end credits, as a voice over, or as a ticker during the end of a show? How about PSAs using characters from characters from various shows, some E/I and some not E/I --would that result in the PSA being deemed commercial? If some of these are deemed commercial matter, then would that result in the program-length commercial policy being applied to programs that have interstitials, PSAs, promotions within them using characters from the same show?