



June 6, 2005

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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**Re: Informal filing
MM Docket No. 00-167
Children's Television Obligations of Digital Television Broadcasters**

Dear Secretary Dortch:

On behalf of the Advertising Council, I am writing to clarify the intent of certain provisions of the FCC's Report and Order in the matter of Children's Television Obligations of Digital Television Broadcasters (MM Docket No. 00-167).

With the rules' pending implementation, the Ad Council has received feedback from several TV stations and TV Public Service Announcement (PSA) directors that they will not air our child-focused PSAs after the new rules goes into effect in January, 2006. Specifically, some TV stations are refusing to run PSAs altogether, refusing to air any PSAs unless they are child-targeted, or are proposing to strip out any URLs contained in the PSA.

Specifically, the Advertising Council is seeking to clarify the intent of the rules in respect to PSAs and the use of URL's in our PSAs that are child-focused or child-targeted. For the time being, we are respectfully requesting a letter from the FCC clarifying the issues outlined below. We also ask that you consider clarifying the rule before it becomes effective on January 1, 2006.

Since the Ad Council is receiving conflicting and potentially erroneous feedback from these TV stations, we are asking for clarification from the Commission.

Specifically, we are seeking clarity on the following:

1) Will PSAs be defined as commercial matter under the new ruling, and therefore subject to restrictions? Some of the TV stations believe that the definition of "commercial matter" is changing to include station program promos and PSAs. They are therefore less inclined to air PSAs since they believe this will count against their limited commercial time. While the FCC, under its Report and Order, revised its definition of commercial matter as: "Commercial matter is airtime sold for purposes of selling a product or service and promotions of television programs or video programming services other than children's education and informational programming."

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there still appears to be confusion as to whether or not PSAs fall under the definition of commercial time. In seeking clarity, the Ad Council recommends that it may be useful for the Commission to specifically define PSAs. (The Ad Council's definition is "Public service advertising is commonly defined as "advertising that serves the public interest." The objective of these ads is education and awareness of significant social issues in an effort to change the public's attitudes and behaviors and stimulate positive social change.")

2) Will stations be required to run PSAs that are only child-targeted or child-focused or can they run PSAs that are targeted to the general market or adults?

3) Will it be permissible for TV stations to air PSAs that contain website addresses during children's programming? While the proposed rule clearly restricts the display of Internet website addresses during programming directed to children ages 12 and under, there seems to be confusion in regards to PSAs. It appears that to be cautious, avoid fines or potential renewal issues, some TV stations are proposing to strip out all URLs in programming, commercial content and PSAs. By eliminating any and all websites, the stations will avoid having to determine whether or not the websites are commercial in nature and expend resources on compliance and monitoring. While the proposed rule states, "We do not impose other restrictions at this time on the use of websites displayed only during commercials aired in children's programs," some stations are interpreting the rule differently.

To summarize, the TV stations we heard from believe that under the current rules, no PSAs containing website links can air during children's programming. Or, they believe that broadcasters will have to strip out all website identification during programming to comply with the rules or to avoid costly monitoring and editing costs.

We ask that the Commission clarify the use of website addresses in PSAs so as to avoid unintended and far-reaching interpretations of the proposed rule

As way of background, all Ad Council PSA campaigns are in partnership with either a nonprofit organization or Government agency. The URLs included in our PSAs link either to an educational website developed directly for the campaign or as a microsite hosted by the nonprofit or government sponsor. All of the Ad Council's PSA websites—whether they are targeted to children or adults--are strictly educational and information and do not include commercial content.

While the Ad Council believes our PSAs and websites do not pose any conflict with the proposed rule, we respectfully request clarity from the FCC given the different reactions and interpretations from our important public service directors.

Specifically, we would appreciate written correspondence from the FCC so that we might have something in writing to share with PSA directors as these pending rules come into effect. We also ask that as you consider revising the rule, you clarify these above-mentioned matters before their implementation in January, 2006.

Should you have any questions about this letter, please contact myself at (212) 984-1987 or Kate Emanuel, Senior Vice President for Nonprofit and Government Affairs at (202) 331-4152 or kemanuel@adcouncil.org.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Conlon". The signature is written in black ink and is positioned above the printed name.

Peggy Conlon
President and CEO
The Advertising Council