

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Children’s Television Obligations	)	MM Docket No. 00-167
Of Digital Television Broadcasters	)	

**COMMENTS OF  
THE NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION  
ON THE SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

The National Cable & Telecommunications Association (“NCTA”), by its attorneys, hereby submits its comments in response to the Federal Communications Commission’s Second Further Notice of Proposed Rulemaking (“Second FNPRM”) in the above-captioned proceeding. The Second FNPRM seeks comments on the “Joint Proposal of Industry and Advocates on Reconsideration of Children’s Television Rules,” filed on February 9, 2006 (“Joint Proposal.”). NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation's cable television households and more than 200 cable program networks. The cable industry is the nation’s largest broadband provider of high speed Internet access after investing \$100 billion over ten years to build a two-way interactive network with fiber optic technology. Cable companies also provide state-of-the-art digital telephone service to millions of American consumers.

NCTA petitioned for reconsideration of the Commission’s children’s television rules adopted in the above-captioned proceeding. Specifically, NCTA objected to the redefinition of “commercial matter” to include same-network promotional material and to the regulation of the content of websites associated with children’s television programming where addresses of those websites were displayed during children’s television programming covered by the Children’s

Television Act. Among other things, NCTA's reconsideration petition explained that even assuming, *arguendo*, that the Commission has authority to regulate website address content of the website addresses are shown during children's television programming, imposing regulations in this area would be premature.

The Joint Proposal settles these matters by permitting cable networks to continue to air promotional material for programming shown on the same channel without counting those promotions as a commercial under certain circumstances. The Joint Proposal also clarifies how the display of website addresses will be counted for purposes of determining compliance with the Children's Television Act, as well as how host-selling will be treated with respect to websites whose addresses appear during children's programming.

NCTA urges the Commission to adopt the Joint Proposal to the extent that it clarifies and resolves certain issues that affect the cable industry. Without prejudice to NCTA's legal arguments described above, NCTA believes that settling these issues and providing certainty to all parties is in the public interest. We therefore urge the Commission to adopt the compromise rules relating to cable contained in the Joint Proposal.

Respectfully submitted,

**/s/ Daniel L. Brenner**

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