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

In the Matter of	)	
	)	
2006 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)	MB Docket No. 06-121
	)	
2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)	MB Docket No. 02-277

Comments of

The Children's Media Policy Coalition

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SUMMARY

In these Comments, (Children Now, the American Academy of Pediatrics, American Psychological Association, American Academy of Child & Adolescent Psychiatry, Benton Foundation, National PTA, Office of Communication of the United Church of Christ, and National Institute on Media and the Family) (hereafter "Coalition") maintain that the Federal Communications Commission must consider the distinct needs of children in its rulemaking on broadcast ownership rules. The Coalition argues that the Commission has a public interest obligation, consistent with its long-standing interpretation of Section 202(h) of the Telecommunications Act of 1996, to evaluate the consequences its decisions will have on the child audience.

Research has shown that media, particularly television, play a unique and powerful role in the development of children. Indeed, television still remains the primary media source for children yet their needs are not well-served by the marketplace. Thus, the Commission must adopt policies that safeguard children's interests. Moreover, because children do not have sufficient access to cable and direct broadcast satellite (DBS), these media cannot be considered substitutes for broadcast television for children.

The Coalition argues that the Commission should limit local broadcasters to one license in a given market in order to ensure sufficient original programming for children. Research shows that media consolidation diminishes the diversity and availability of programming for the child audience. It is essential that young viewers have access to diverse viewpoints in the television programming they so readily consume; limiting broadcasters to one license will help to maximize the amount and diversity of educational and informational (E/I) programming for children.

The Coalition also argues that any relaxation of existing rules be accompanied by a requirement that the Commission analyze, according to specific guidelines, the impact of any proposed media mergers on kids served by the market. The Coalition is concerned that relaxation of the ownership rules will reduce competition, stifling innovation and increasing commercialism in children's programming. Children are particularly vulnerable to influences of commercialism and the Commission must consider the effects of consolidation on advertising aimed at children, as well as the content of children's programs.

Furthermore, the Commission must promote local programming to support children's healthy development. Research indicates that media consolidation diminishes the amount of locally-produced programming. Yet locally-produced news, public affairs and E/I programming enhance the education and civic engagement of children.

In sum, children deserve access to diverse programming that enriches, educates and entertains. By limiting broadcasters to one license per market the Commission can promote the viewpoint diversity, competition and localism that are so necessary to the child audience. Further, only by analyzing the impacts of media consolidation on

children’s programming before making any changes to existing ownership rules can the Commission ensure that children’s unique needs are served.

I. INTRODUCTION

Children Now, the American Academy of Pediatrics, American Psychological Association, American Academy of Child & Adolescent Psychiatry, Benton Foundation, National PTA, Office of Communication of the United Church of Christ, and National Institute on Media and the Family (hereafter “Coalition”) hereby submit Comments to the Federal Communications Commission (“Commission” or “FCC”) in the above-docketed Notice of Proposed Rulemaking (“NPRM”). The Coalition maintains that the Commission must consider the distinct needs of children in its rulemaking. We believe that the Commission’s broadcast ownership policies could have a serious impact on the quality and quantity of children’s programming. As part of its review of the ownership rules, the Commission has an obligation to evaluate the consequences its decisions will have on the child audience.

II. THE COMMISSION SHOULD PROCEED IN A MANNER THAT PROMOTES DIVERSITY, COMPETITION AND LOCALISM FOR THE CHILD AUDIENCE.

In its NPRM, the Commission specifically asks commenters to provide evidence on the effects or potential effects of broadcast ownership rules on children’s programming. In these comments, the Coalition provides this evidence by documenting the viewing patterns and needs of children and demonstrating the detrimental impact of media consolidation on this audience. Based on this research, the Coalition argues that the Commission should limit local broadcasters to one license in a given market in order to ensure sufficient original programming for children.

The Coalition also recommends that any relaxation of the existing rules be accompanied by a requirement that the Commission analyze, according to specific guidelines, the impact of any proposed media mergers on children served by the market. These guidelines should consider the number and type of media outlets and their availability and use by children. Proposed consolidations that compromise the interests of children should be rejected.

A. The Commission Should Act Consistently with its Long-Standing Interpretation of Section 202(h).

The Commission should adhere to its long-standing interpretation of Section 202(h) of the Telecommunications Act of 1996 to retain rules that serve the public interest.[1] Section 202(h) provides that the Commission must review its ownership rules on a biennial basis and "determine whether any of such rules are necessary in the public interest as the result of competition. The Commission shall repeal or modify any regulation it determines to be no longer in the public interest."[2] The Coalition agrees with the Commission's argument in its rehearing petition in *Fox Television, Inc. v. FCC*[3] that "'necessary in the public interest,' when viewed in the context of the rest of the 1934 and 1996 Acts, means 'in the public interest,' or useful or appropriate."[4] The record will demonstrate that current market conditions justify retaining media ownership rules as a legitimate means of protecting the public interest of children.[5]

[1] NPRM ¶18.
[2] Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat.56 (1996).
[3] 280 F.3d 1027, *rehearing granted*, 293 F.3d 537 (D.C. Cir. 2002).
[4] NPRM ¶18.
[5] Indeed, the market today would justify adoption of these ownership rules in the first instance. Under *State Farm*, the same standard applies to repealing or modifying a rule as adopting a rule in the first instance. Thus, the Commission cannot read the statute as requiring a higher public interest showing for retaining the ownership rules. *See, e.g., Motor Vehicle Mfrs. Ass'n vs. State Farm Mut. Automobile Ins. Co.* 463 US 29 (1983).

Indeed, the Coalition argues that the current ownership rules are an indispensable means of protecting the public interest of the child audience and must be retained even if the Commission maintains that Section 202(h) requires it to retain only rules that are essential to the public interest.[6] While children are a significant audience of broadcast media, the market will not ensure that their needs are met. The Commission has historically responded to this, instituting protections for children (*e.g. the Three Hour Rule*) the market did not establish. Therefore, the Commission has an obligation to safeguard children's interests. Because the ownership rules preserve media opportunities for this special audience, they are both useful and indispensable to serving the public interest of children and must be retained.

III. THE COMMISSION HAS AN OBLIGATION TO CONSIDER THE IMPACT OF MEDIA CONSOLIDATION ON CHILDREN.

Research has shown that media, particularly television, play a unique and powerful role in the development of children. Television has the ability to enhance cognitive skills, increase knowledge, model social conduct and promote physical well-being. Further, educational, entertainment and commercial messages shape young viewers' perceptions of the world and contribute to their preparation for academic, social and civic life.

A. Children Comprise a Large Broadcast Audience Whose Needs Are Not Being Served.

The FCC must protect children's interests because, despite their large numbers, they cannot advocate for themselves. Children constitute 25% of the United States population and are greater in number and in cultural and ethnic diversity than ever before.

[6] *See* NPRM ¶18.

Children of color account for 40% of youth in this country and their percentage is rapidly growing.[7] One in five children (20%) is Hispanic or Latino; 15% are African American; four percent are Asian; and one percent is Native American.[8] Further, according to 2005 Census data, almost one in five children (18.5%) live below the poverty level.[9] The FCC has an obligation to consider America's children, a significant segment of the population, when formulating policy.

Television is an extraordinarily powerful and ubiquitous medium for the nation's children. On average, children watch more than three hours of television per day; more than two thirds of all 8-18 year olds (68%) have a television in their bedroom.[10] Moreover, virtually all young children watch television before their first exposure to formal education. Children under the age of six spend an average of one hour a day in front of the television screen (1:05); a third of them (36%) have televisions in their bedrooms.[11]

Numerous studies have shown that exposure to educational television can have positive effects on the social, intellectual and educational development of young children.[12] Yet despite the amount of time that they spend watching television, children

[7] U.S. Census Bureau, 2005 American Community Survey. Table S0901, "Children Characterisitics," <http://factfinder.census.gov/servlet/STTable?_bm=y&-qr_name=ACS_2005_EST_G00_S0901&-geo_id=01000US&-ds_name=ACS_2005_EST_G00_&-format=&-CONTEXT=st>, accessed 22 October 2006.

[8] *Id.*

[9] U.S. Census Bureau, 2005 American Fact Finder. Table R1704, "Percent of Children Below Poverty Level Geography: United States and States," <http://factfinder.census.gov/servlet/GRTTable?_bm=y&-_box_head_nbr=R1704&-ds_name=ACS_2005_EST_G00_&-format=US-30&-CONTEXT=grt>, accessed 22 October 2006.

[10] Victoria Rideout, et al, *Generation M: Media in the Lives of 8-18 Year Olds*, (Menlo Park, CA: Kaiser Family Foundation, March 2005), <http://www.kff.org/entmedia/entmedia030905pkg.cfm>, accessed 20 October 2006.

[11] Victoria Rideout, et al, *Zero to Six: Electronic Media in the Lives of Infants, Toddlers and Preschoolers*, (Menlo Park, CA: Kaiser Family Foundation, October 2003).

[12] A.C. Huston and J.C. Wright, "Television and the Informational and Educational Needs of Children," *Annals of the American Academy of Political and Social Science*, vol. 557 (1998), pp. 9-23. For example, a

have limited programming options for educational programming on commercial television.

B. Other Media, Including Cable and DBS, Cannot Be Considered Substitutes For Broadcast Television For Children.

Broadcast television is overwhelmingly the primary media source for children. As the Commission suggests, "the level of diversity that the public enjoys varies among different demographic or income groups."[13] For children, cable and DBS cannot be considered valid substitutes for broadcast television.

Almost one in five children in the United States (18%) do not have access to cable or DBS broadcasting and rely on broadcast television for their programming.[14] Thus, while some children's programming offered on cable provides educational programming for preschool and pre-teen audiences, these shows are not uniformly available. Because many children are unable to watch the cable and DBS networks that offer high quality children's programming, these media should not be considered a substitute for broadcast television for children.

Georgetown University study found that children who watched educational shows had higher academic achievement than children who did not watch the shows. A University of Kansas study found that preschool age children who viewed educational programming increased their school readiness for kindergarten and had superior high school grades in English, science and math. Another study from the University of Kansas study showed that children ages two to four from low and moderate income families who watched *Sesame Street* and other educational programs performed better on vocabulary, school readiness, pre-reading and math tests than non-viewers as much as three years later. *See also*, Amy B. Jordan and Emory H. Woodard, IV, *The 1997 State of Children's Television Report: Programming for Children Over Broadcast and Cable Television* (Philadelphia, PA: Annenberg Public Policy Center, 1997), <http://www.annenbergpublicpolicycenter.org/05_media_developing_child/childrensprogramming/REP14.PDF>.

[13] *See* NPRM ¶48.

[14] Victoria Rideout, et al, *Generation M: Media in the Lives of 8-18 Year Olds*, (Menlo Park, CA: Kaiser Family Foundation, March 2005), <http://www.kff.org/entmedia/entmedia030905pkg.cfm>, accessed 20 October 2006.

Children's heavy reliance on broadcast TV makes the ownership rules particularly important to this population group. Therefore, the Commission should not relax the ownership rules without considering the impact on children.

IV. THE COMMISSION MUST LIMIT BROADCASTERS TO ONE LICENSE PER MARKET TO ENSURE THE DIVERSITY AND AVAILABILITY OF PROGRAMMING FOR THE CHILD AUDIENCE.

The Commission must ensure that children have access to diverse perspectives in the television programming they so readily consume. In these Comments, the Coalition provides evidence that media consolidation has an adverse impact on the availability and diversity of programming for children. Thus, the Coalition urges the Commission to limit local broadcasters to one license in a given market in order to ensure sufficient original programming for children.

A. Media Consolidation Diminishes Program Availability and Diversity for the Child Audience

Research shows that media consolidation reduces the availability and diversity of programming for children. In 2003, Children Now conducted the first-ever study to examine the impacts of media consolidation on children's programming. Children Now selected Los Angeles as a case study for this research because it is the second largest media market in the country and offers a large sample of stations and programs to study. In addition, the FCC allowed News Corp. (in 2001) and Viacom (in 2002) to purchase second stations in Los Angeles, thereby creating two duopolies in this market.[15] The study compared the children's programming schedules from 1998, when the market's seven major commercial broadcast television stations were owned by seven different

[15] There were actually three duopolies in Los Angeles when Children Now conducted the study, as General Electric owned both KNBC and the local Telemundo station. Since Telemundo programs for a different

companies, to 2003, after consolidation reduced the number to five. The findings suggested that the 2003 proposed changes to ownership policies would have a serious negative impact on the availability and diversity of children's programming. Overall, the research found there were fewer children's series and fewer broadcast hours in Los Angeles in 2003 compared to five years earlier. Most of the decline in children's programming was found in Los Angeles stations that were part of duopolies.

Number of Children's Series

- The number of children's series broadcast in Los Angeles decreased by nearly half from 1998 to 2003.
- Most of the decreases in the number of children's series occurred on three of the four stations that are part of media duopolies.

Hours of Programming

- From 1998 to 2003, the number of hours each week devoted to children's programming in Los Angeles decreased by more than 50%.
- The largest decreases in programming hours were on stations that are part of media duopolies.

Hours of Availability of Children's Programming

- Since 1998, the number of hours each week that children's programs found on the air decreased by almost one-third.
- The number of stations broadcasting children's programming at any given hour decreased as well, thereby reducing the diversity and availability of age-appropriate program choices for children.

B. The "Repurposing" of Children's Programming Has Reduced the Amount of Original Programming for Children.

Children Now's study, *Big Media, Little Kids*, also found that there was a significant increase in the repurposing of children's programming in an increasingly consolidated market. In the Los Angeles market, children's programs were almost four

audience than the station in the study, and since it is not one of the primary commercial broadcast stations, it was not included in the study.

times more likely to be repurposed in 2003 than five years earlier. In 1998, 11% of children's programs were broadcast on more than one channel. By 2003, that number had increased to 43%, indicating a dramatic reduction in the diversity of available children's shows. Further, most of the repurposing occurred between outlets there were owned by the same media company.

Repurposing is of great concern to children's advocates because even though some of the repurposed programs are of high quality, it still reduces the number of unique programs across the children's television landscape.

C. Media Consolidation Diminishes Source Diversity for the Child Audience.

Media consolidation also has resulted in less source diversity in children's programming. According to an Annenberg Public Policy Center survey of key players in and around the children's television industry, consolidation has been a means of reducing the costs of children's educational programming, which is generally not seen as profitable.[16] The Annenberg survey found that consolidation has reduced the number of independent and local producers who, in the past, had provided educational programming to independent stations and local network affiliates.[17] As one survey respondent noted,

> *One had hoped, you know, with all this talk about the growth of a lot of independent producers that we would have access to all these new hours for children's television and, frankly, it has not happened. There's been a real consolidation of the major companies that produce children's programming.*[18]

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[16] Amy B. Jordan, *The Three Hour Rule: Insiders' Reactions* (Philadelphia, PA: Annenberg Public Policy Center, 1999), Report Series No. 29, <http://www.annenbergpublicpolicycenter.org/05_media_developing_child/childrensprogramming/rep29.pdf>, accessed 20 October 2006.

[17] *Id.*

[18] *Id.*

Having fewer producers of children's programming leads to diminished diversity in this market.

V. MEDIA CONSOLIDATION WILL GREATLY REDUCE COMPETITION, WHICH WILL NEGATIVELY AFFECT THE QUALITY OF CHILDREN'S PROGRAMMING.

Commercial broadcasters have historically neglected the needs of children unless required to do so by law. For example, in 1980, under the threat of federal regulation, the three major networks broadcast eleven hours of educational programming each week. In 1983, without the threat of regulation, network broadcasters aired only four and a half hours of such programs per week. By 1990, they were down to less than two hours per week. Meanwhile, during the same time period, toy-based programs for children increased from about 13 programs in 1980 to more than 70 programs (over half of all children's programs) by 1987.[19] Thus, history has demonstrated that the market alone cannot be entrusted to meet children's programming needs.

Although broadcasters are presently required to air three hours of educational programming each week, economic pressures from aggressive media consolidation continue to adversely affect children's programming content. As media outlets consolidate, so too do the number of producers of children's content. The reduced competition among buyers and sellers tends to decrease innovation while simultaneously increasing the presence of commercialism, ultimately disserving the nation's children.

[19] Newt Minow and Craig LaMay, *Abandoned in the Wasteland: Children, Television and the First Amendment* (New York: Hill and Wang, 1995).

A. Consolidation Reduces Competition, Stifling Potential Sources of Innovative Children's Programming.

If the Commission is to fulfill its obligation to protect the public interest, it must consider how media consolidation negatively affects innovation in children's programming. Previous attempts to deregulate broadcast media have resulted in increased consolidation and decreased competition and innovation. For example, upon deregulating the radio industry in 1996, then-Chairman Reed Hundt explained that the Commission was "fostering innovation and competition in radio."[20] The Commission's actions, however, failed to accomplish either goal. Radio ownership deregulation has virtually eliminated large-scale competition, with four companies controlling 70 to 90 percent of the market share in nearly every radio market.[21] Innovation also diminished. The Commission's research studies found little evidence of diversity in radio station playlists.[22] Rather than creating unique programs for each of their many radio stations, owners are broadcasting nearly identical playlists across various program formats.[23] Such format redundancy undermines innovation and reduces program options for listeners.

A similar pattern has occurred in recent years in children's television programming. Due in part to the practice of repurposing, very few of the programs that have been available for children in recent years are new programs.[24] According to the

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[20] Reed Hundt, "The Hard Road Ahead," speech delivered 26 December 1996. *See also* Patricia Aufderheide, *Communications Policy and the Public Interest* (Guilford Press, 1999), Appendix I, p. 289, quoted in Future of Music Coalition, *Radio Deregulation: Has It Served Citizens and Musicians?*, <http://www.futureofmusic.org/research/radiostudyexecsum.cfm>, accessed 20 October 2006.
[21] Future of Music Coalition (2002).
[22] Dean Baker, *An Analysis and Critique of the FCC Studies*, Department for Professional Employees, AFL-CIO Publication No. 02-5 (Washington, D.C.: DPE, AFL-CIO, December 2002).
[23] Future of Music Coalition (2002).
[24] Emory H. Woodard, IV, *The 1999 State of Children's Television Report: Programming for Children Over Broadcast and Cable Television* (Philadelphia, PA: Annenberg Public Policy Center, 1999).

2001 Screen Digest Report, *The Business of Children's Television*, "[t]he amount of children's programming has expanded exponentially. However, the amount invested in acquiring and originating in programming has not expanded in line. A high percentage of outlets are running repeat programs."[25] Thus, children are not receiving an "expand[ed] number of programming choices…and program content for increasingly specialized audiences."[26] Moreover, while exposing children to programming with a variety of formats is most beneficial, animated shows are the most cost-effective way to fill an hour. Consequently, producers find it difficult to get other types of programs on the air,[27] affording children little access to genre diversity. Media concentration, therefore, has led to homogenization, rather than innovation, in children's programs.

The Coalition believes that these precedents give us reason to be concerned that this will continue with further media consolidation. The Commission should consider how television will stimulate children's developing minds if reruns are a major component of their media diet. The Commission should also consider how new producers will be able to get their shows on the air if only a handful of media companies, many with either their own production divisions or exclusive deals with well-established production companies, control access to every broadcast outlet.

Media consolidation will lead to fewer decision-makers who, due to financial pressures, will be more likely to replicate existing programs, and will be even less willing to invest in new types of children's programming. As Toper Taylor, president of Nelvana Communications notes, "[b]reakout hits have traditionally arisen from unexpected

[25] Screen Digest, extract from *The Business of Children's Television*, 2nd edition, November 2001, pp. 9-11.
[26] *See* NPRM ¶65.

sources that took creative risks, not just putting shows into a formula or a mold."[28] The Coalition therefore recommends that the Commission consider the impact that media deregulation will have on innovation in children's programming. Any relaxation of existing rules must be accompanied by a requirement that the Commission analyze, according to specific guidelines, the impact of any proposed media mergers on kids served by the market.

B. Children Are Particularly Vulnerable to Commercialism, Which May Increase with Consolidation.

The Coalition asks that the Commission consider the impact that media consolidation will have on commercial influences in children's programming advertisements and content.

Developmental research has shown that young children cannot make the distinctions required to be critical media consumers. Consequently, they are highly vulnerable to commercial influences in the media they consume. Numerous research studies have documented the negative effects commercialism has on children, ranging from increases in parent-child conflicts[29] to irresponsible attitudes towards drugs and alcohol[30] to unhealthy eating habits.[31] Given the growing childhood obesity epidemic and the considerable body of research that links television advertising to children's poor

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[27] David Kleeman, *One Mission, Many Screens* (New York: Public Broadcasting Service and Markle Foundation, 17 April 2002), http://www.markle.org/downloadable_assets/omms.pdf, accessed 20 October 2006.
[28] Toper Taylor, quoted in Brian Lowry, "NBC and Fox Hire Sitters for the Kids," *Los Angeles Times*, 31 August 2002, p. F1.
[29] Dale Kunkel, "Children and Television Advertising," in *Handbook of Children and the Media,* D. G. Singer and J. L. Singer, eds. (New York: Sage Publications, 2001), pp. 375-393.
[30] V.C. Strasburger, "Children, Adolescents, Drugs, and the Media," in *Handbook of Children and the Media*, D. G. Singer and J. L. Singer, eds. (New York: Sage Publications, 2001), pp. 415-445.
[31] G. Gorn and M. Goldberg, "Behavioral Evidence of the Effects of Televised Food Messages on Children," *Journal of Consumer Research,* vol. 9 (1982), pp. 200-205.

nutritional choices,[32] the impact of media consolidation on commercialism must be examined.

Despite the advertising restrictions imposed by the Children's Television Act, studies indicate that the average American child views over 40,000 television commercials each year.[33] Networks broadcast more advertisements during children's programs than do independently-owned stations or cable stations.[34] These figures do not take into account children's exposure to commercialism through other practices such as cross-marketing, product merchandising and online advertising. The Coalition is concerned that if there are fewer media owners who own more outlets, they may seek out opportunities to maximize these commercial practices, which will negatively affect children.

Consolidation, and the resulting increase in commercialism, also negatively affects the content of children's programs. For example, licensing concerns unduly influence decisions about children's programming today.[35] Most preschool television programming is not even conceptualized without merchandising to accompany the shows.[36] Large media conglomerates, whose primary interest is to generate revenue rather than provide quality programming for children, will maximize opportunities to market to young viewers.[37] Consequently, it will be more difficult for any new show to make it on air unless it offers a licensing "hook." Prioritizing merchandising possibilities

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[32] Kaiser Family Foundation, The Role of Media in Childhood Obesity (Menlo Park: Kaiser Family Foundation, 2004), <http://www.kff.org/entmedia/entmedia022404pkg.cfm>, accessed 20 October 2006.
[33] Kunkel (2001), pp. 375-393.
[34] *Id.* The amount of advertising time on different stations is as follows: 10:05 minutes per hour for network broadcast stations; 9:37 minutes per hour for independent stations; 7:49 minutes per hour for USA Network; and 6:28 minutes per hour for Nickelodeon.
[35] Elizabeth Jensen, "Big Bird, Pals Fighting to Regain Turf," *Los Angeles Times*, 4 December 2000, p. A1.
[36] *Id.*

over the cognitive or social merits of a program will greatly jeopardize the quality of programming for children and expose them to the detrimental effects of commercialism.

VI. THE COMMISSION MUST ENSURE THAT THERE IS SUFFICIENT LOCAL PROGRAMMING TO SUPPORT CHILDREN'S HEALTHY DEVELOPMENT.

Research shows that local programming, including news, public affairs and E/I shows, has positive effects on education, civic engagement and community and public health outcomes.[38] Yet, research also shows that a consolidated media marketplace limits the amount of local programming available to communities.[39] Thus, there is a continuing need for the FCC to ensure that there is sufficient local programming to support children's healthy development.

A. Media Consolidation Diminishes Local Programming Content.

The Coalition maintains that media consolidation reduces the amount of local programming. We are concerned that allowing companies to own more than one station in a given market will eliminate any potential for local programming for children.

Consolidation has had an adverse impact on local educational programming for children. In 1997, the Annenberg Public Policy Center at the University of Pennsylvania forecast that as the networks increasingly provided inexpensive E/I programming, locally-produced programming would diminish or be squeezed out of viable time slots. A subsequent study by Annenberg demonstrated the truth of its earlier prediction. In a 1999 survey of approximately 1200 commercial broadcasters reporting on their E/I programming, the Annenberg Public Policy Center found that only 65 E/I shows were

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[37] This trend may be especially apparent when digital video replay (DVR) technology such as TiVo and ReplayTV become more pervasive and viewers have the option of skipping over commercials.

[38] Civic Practices Network, "Civic Lessons: Report on Four Civic Journalism Projects" (Washington, D.C.: Pew Charitable Trusts, 1997), <http://www.cpn.org/topics/communication/civiclessons.html>, accessed 20 October 2006. For example, civic journalism projects across the country have strengthened community leaders' sense of accountability and produced tangible community revitalization projects.

[39] Benton Foundation, Communications Policy Project, "Broadcast Spectrum and the Debate on the Future of Television," revised 19 December 1996.

locally-produced.[40] Most of these locally-produced programs disappeared as networks began offering three-hour blocks of programming. By 1999, only a few stations supplemented their lineups with locally-produced E/I programming[41] and the number of such shows is almost non-existent today.

B. Locally-Produced News, Public Affairs and E/I Programming Enhances the Education and Civic Engagement of Children.

It is evident that media consolidation diminishes the amount of locally-produced news, public affairs and E/I programming. The Coalition argues that the dearth of local programming compromises a community's ability to provide civic education for children.

Locally-produced news and public affairs programming can provide children with information and differing perspectives on specific local issues and can have a powerful influence on how children learn about the values of citizenship and community building.[42] Yet this genre of programming is very rare in local broadcast markets today, resulting in limited, if not non-existent, viewpoint diversity for children.

Locally-produced E/I programming also offers distinct benefits for children. While network-supplied or syndicated programs do not allow local broadcasters to shape content in response to local concerns, locally-produced E/I programming can provide content that can be specific to the needs and interests of the community.[43] The majority

[40] Jordan (1999).
[41] *Id.*

[42] Kathryn C. Montgomery, Center for Media Education, "FCC Hearing on Children's Television Programming and Public Interest Obligations of TV Broadcast Licensees."

[43] Amy B. Jordan, *Children's Educational Television Regulations and the Local Broadcaster: Impact and Implementation*, Report Series No. 13, (Philadelphia, PA: Annenberg Public Policy Center, 1997), <http://www.annenbergpublicpolicycenter.org/05_media_developing_child/childrensprogramming/REP13.PDF>, accessed 20 October 2006.

of these programs are live-action series designed to convey specific lessons in a news or news magazine format, and they frequently incorporate community interests or events.[44]

In the existing media marketplace, children already have very minimal, if no access to locally-produced news, public affairs and E/I programming. The Coalition is concerned that the further relaxation or elimination of rules would further decrease the ability of local stations to program in response to a community's needs and could jeopardize a community's ability and potential to serve its children. Without local broadcast ownership rules, market forces alone would dictate the amount and type of local programming available to children; as the history of children's television demonstrates, the marketplace will not provide what is best for children.

VII. CONCLUSION

In these comments, the Coalition has demonstrated the importance of ensuring that the broadcast industry serves the distinct needs of children. The Coalition argues that only by limiting local broadcasters to one license in a given market can the Commission ensure sufficient original programming for children. Further**,** the Coalition also argues that the Commission should not relax any existing rules without analyzing, according to specific guideless, the impact of such deregulation on kids served by the market. The Coalition urges the FCC to adopt these policy recommendations to ensure the viewpoint diversity, competition and localism that are so necessary to the child audience.

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[44] Kelly L. Schmitt, "The Three Hour Rule: Is It Living Up to Expectations?" Report Series No. 30 (Philadelphia, PA: Annenberg Public Policy Center, 1999),

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