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September 16, 2008

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

Re: Ex Parte Submission, MB Docket No. 03-15

Dear Ms. Dortch:

This letter is to notify you that on September 15, 2008, John Godfrey, Vice President Government and Industry Affairs with Samsung; Adam Goldberg, Vice President Government and Industry Affairs with Pioneer; Bob Schwartz, counsel to CEA with Constantine Cannon LLP; and the undersigned met separately with Rick Chessen, Legal Advisor to Commissioner Copps, and Rudy Brioché, Legal Advisor to Commissioner Adelstein. During this meeting, we discussed the methodology for downloading new ratings systems through a rating region table as defined in ATSC standards. We also provided the attached paper that explains the use of rating region table 05 to accomplish the FCC requirement that broadcast receivers be able to respond to changes in the rating system. We expressed our continued interest in seeking clarification of the FCC's rule as originally petitioned by CEA on November 3, 2004, and cautioned that without such clarification consumers may be disappointed in failing to block content in accordance with their intentions.

In accordance with §1.1206 of the Commission's Rules, one copy of this letter is being filed electronically via ECFS, and delivered via email to the FCC attendees.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brian E. Markwalter".

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Flexible Ratings for Digital TV

The Consumer Electronics Association (CEA) is a proud leader in developing technology to help parents to protect their children from inappropriate programming. CEA literally set the standard for automatic program blocking: CEA-766. This program blocking technology lets parents prevent viewing of programs with attributes (e.g., violence, language, sexual content) they do not want their children to see. The FCC requires this functionality in all TV receivers, so programs that are rated by the program providers can be blocked according to the viewer's preset preferences for a specific set of parameters. For example, content with nudity and/or content with a Motion Picture Association rating above a certain level (e.g., PG, PG-13, R) can be blocked.

The original U.S. TV rating system was fixed and unchanging, but in recent years, the CEA-766 standard has evolved to lay the groundwork for a flexible, "downloadable," rating system. Specifically, broadcasters can transmit a new Rating Region Table (RRT) and associated new ratings codes ("Content Advisory Descriptors") to TV receivers, which can then be configured by viewers to block programming in new ways.

The FCC requires that all TV receivers respond to changes in the rating system, without specifying clearly how to do it. With this paper, CEA seeks to inform the Commission that the most effective and parent-friendly way to implement flexible ratings is by requiring all TV receivers in the U.S. market to be designed to respond to a single downloaded U.S. RRT. This RRT is identified (with the designation "0x05" or "RRT 5") in the current version of the CEA-766 standard (ANSI CEA-766-C), and TV receivers have been built to respond to it. The rating parameters for RRT 5 have not yet been defined. CEA can serve as a venue to bring together new ratings service providers, content producers and receiver manufacturers to encode rating systems into RRT 5 so that the resulting configuration screens for blocking preferences are sensible and usable by consumers.

Why does CEA assert that one downloaded RRT is appropriate for the U.S. market?

- One RRT supports the coexistence of many alternative ratings systems. A single RRT can have enough dimensions (rated aspects) to define parameters for several different ratings systems. This is enough capability for multiple systems to co-exist; for example, Ratings Organization A could define dimensions "Violence-A" and "Language-A," Ratings Organization B could define "Violence-B" and "Language-B," and so forth. Parents preferring rating system A could configure their TV to block according to the System A parameters, parents preferring system B could use the System B parameters. New parameters not yet used in any current system could also be introduced. The practical limit is not the number of RRTs, but the tolerance

of consumers to understand and program blocking levels for the many different rating services that can be contained in a single downloaded RRT.

- Having a separate downloaded RRT for every new, alternative ratings system would be unworkable for the consumer and would deter parents from using the controls. If each rating system required its own RRT, with an open-ended number of RRTs, different RRTs would soon be in use on different channels. In this situation, the viewer would repeatedly have to re-program blocking preferences for each RRT newly encountered (e.g., when changing channels or when one of the RRTs was updated), leading to frustration and confusion. Only by coordinating all rating systems to be presented together in one downloaded RRT can a consistent, easy-to-use blocking system be ensured.
- The existing, non-downloadable U.S. rating system, RRT 1, is already familiar to consumers and need not go away—RRT 5 offers ways to expand it. It should be clear that RRT 5 can define entirely new rating dimensions to be used in addition to those already defined in RRT 1. For example, if the Parents Television Council wished to broadcast its three-level rating system, this could independently augment the existing Language, Dialogue, Violence, and Sexual Content ratings instead of replacing them.
- The RRT system can and should evolve. RRT 5 contains a “version” field to identify changes to the table. As new ratings organizations develop new ratings systems, they can and should propose their systems to standards organization to have them integrated into RRT 5. Each time CEA publishes a revision to RRT 5, broadcasters will transmit the new table with the new version number, signaling TV receivers that the rating system has been changed so viewers can configure their new preferences. With coordination and consensus, the changes will create minimal disruption during the transition period.

CEA is ready and willing to facilitate standardization of U.S. RRT 5 with participation of all interested parties to produce a flexible rating system that is easy for parents to use and can evolve through time. We ask the FCC to respond to our open Petition by clarifying the obligation for TV receivers to respond to RRT 5, so this important work can proceed.