

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Implementation of the Child Safe Viewing Act )  
Examination of Parental Control Technologies ) MB Docket No. 09-26  
For Video or Audio Programming )

To: The Commission

**COMMENTS OF  
COMMON SENSE MEDIA**

Common Sense Media (“Common Sense”) hereby submits its comments in response to the Commission’s Notice of Inquiry (“NOI”) in the above captioned proceeding concerning “advanced blocking technologies” compatible with various communications devices, and the means by which these technologies can empower parents to protect their children from video and audio content transmitted via wire, wireless or radio communications which they deem indecent or objectionable. This NOI has been issued in response to Congress’s directive in the Child Safe Viewing Act of 2007<sup>1</sup> calling for an inquiry into the blocking technologies currently available to parents and the existence, availability and use of parental empowerment tools and initiatives.

Common Sense is one of the nation’s leading non-profit organizations dedicated to improving the media lives of kids and families. Its mission includes educating and empowering parents on how to understand and manage what their children see, hear and surf. Common Sense provides information about Internet safety and media smarts in schools and community settings as well as

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<sup>1</sup> See Child Safe Viewing Act of 2007 (“Child Safe Viewing Act”), S. 602, P.L. 110-451, 122 Stat. 5025 (December 2, 2008). The FCC is required under the Child Safe Viewing Act to submit to Congress prior to August 29, 2009 a report summarizing the comments filed in this proceeding.

trust worthy ratings and reviews of various media (i.e., movies, television, video games) via its web site to assist parents in gauging the “age appropriateness” of content.

## **Introduction**

As a long time advocate for giving parents a choice and a voice about the media they consume, Common Sense welcomes the Commission’s inquiry concerning advanced blocking technologies and the empowerment of parents to filter out objectionable content from their home. Common Sense submits there are several issues raised by this NOI which are of particular relevance to parents.

As evidenced by the historic under-utilization by parents of the V-Chip and a lack of understanding of its availability and functionality, parents are often either unaware that filtering technology exists or are uncertain how to operate these technologies. Parents are further confused by the multiplicity of filtering and blocking technologies available across multiple media platforms. Families increasingly live not only in the world of broadcast television and cable, but in an interconnected digital world of Internet enabled stationary and mobile devices, Internet enabled video games and various satellite services. As these technologies and services converge, it is vital that the public and private sectors work together to develop blocking technologies that are easy to understand and deploy and which are designed to operate across different media and technology platforms. Such work should include upgrading or “opening up” the existing V-Chip technology so that additional information and ratings can be therein encapsulated and also ensuring that these chips (and similar filters in other platforms) are readily known by parents and easy to operate technically.

The use of blocking technologies and other parental empowerment tools is hampered if families are unsure how content is rated and which standards are used to formulate ratings. Any newly enabled technologies must be open to third-party ratings in addition to industry ratings, and these ratings should be accessible and applicable across multiple media platforms. Better access to ratings will better guide families in selecting the best programs for their children to view.

Last, while filtering and blocking is very appropriate in the home during the formative years of our nation's children, such technologies lose efficacy as these children reach their "tween" and teen years. These older children can soon become more technically savvy than their parents and able to circumvent blocking technologies (often without their parents' knowledge). Further, they have access to content outside of the home as well as on their Internet enabled mobile devices and computer tablets. As such, education regarding digital literacy for both parents and children is a key component in any overall child safe viewing agenda, and is the most effective means for helping parents manage media.

## **Discussion**

### **I. PARENTAL EMPOWERMENT IS FACILITATED BY FILTERING DEVICES WHICH ARE EASY TO OPERATE AND DEPLOY, AND ARE ABLE TO OPERATE ACROSS VARIOUS MEDIA PLATFORMS**

Our nation's children live in a 24/7 digital world in which they utilize multiple media devices – often simultaneously – in a given day, and in which the average 8-18 year old child spends 44.5 hours per week consuming media.<sup>2</sup> Parents understandably desire tools which can assist them in finding suitable content for their children. However, many parents are often unaware of the media tools available or are uncertain how to program or operate filters. To

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<sup>2</sup> "Generation M: Media in the lives of 8-18 year olds", Kaiser Family Foundation (2005).

complicate matters, the vast array of different technologies requires that parents learn how to program or block for each new platform and Internet enabled device – a time-consuming and often frustrating exercise. It is little wonder that parents are confused, and that some simply stop trying to navigate this digital world with their kids. In sum, parents need an easy to operate blocking or filtering technology which transcends the various media and can be used to filter content via both wire and wireless communications devices.

The Commission's NOI solicits comment on a wide array of technology platforms, including questions regarding the efficacy of the existing V-Chip for television content, the ability to filter and control over wireless devices, the availability of parental control options made available by satellite and cable operators, and the tagging or labeling of content by the Internet community.

While Common Sense is an involved non-profit with respect to these issues, it readily acknowledges that any technical consensus or solution reached with respect to the above will only be gained by input from all the industry players. This is particularly true given the sheer number of media services and technologies currently available to consumers and that each industry has adopted its own filtering technology to control content. For example:

- Blocking tools and filters are available for the Internet, but these tools do not help parents of tech-savvy older children, who can figure out ways to circumvent the tools or filters.
- Several mobile phone providers offer blocking technology for mobile devices and the wireless industry has developed child protection measures. However, these technologies usually use a “black list” of prohibited Web sites, and are less helpful in

protecting children from new sites that may be inappropriate, and from the enormous amount of user-generated content that is not rated.

- Video game systems such as the Xbox, Wii, and Playstation rely on the Entertainment Software Rating Board (“ESRB”) rating system, however the rating assigned by ESRB and printed on the game packaging no longer applies if a user downloads a modification (either authorized or not) or utilizes the game’s online functions to play other networked users.<sup>3</sup>

To assist with this effort, the Commission might consider forming a Task Force of industry participants to discuss the input received in this proceeding, the potential of interoperability of filtering and information devices across these various media, and what incentives need to be put in place to facilitate such objectives.

On a related note with respect to the scope of interoperability and the need for clear technology to work across various platforms, Common Sense believes the Commission should expand the current definition of “video programming” under Section 47 U.S.C. § 602(20) of the Communications Act. The definition “video programming” should not be limited to programming comparable to that of a “television broadcast station”; such a definition is disconnected from the media environment facing today’s families where video is watched on sites such as YouTube.com and Hulu.com via both mobile and stationary devices. Rather, the definition should be written as expansively as possible to reflect technological and market realities and could expand to include content provided on Internet video hosting sites.

Jurisdictionally this does not mean the Commission is overstepping regulatory boundaries by

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<sup>3</sup> See “Do ESRB ratings address player chat or player-generated content in online-enabled games?”, ESRB FAQ (<http://www.esrb.org/ratings/faq.jsp#13a>), April 7, 2009.

seeking to regulate Internet or non-broadcast services, rather it is encouraging industry to work collectively to develop tools so that parents can filter content within their own homes or on their child's wireless devices.

Similarly, Section 2(d) of the Child Safe Viewing Act defines the term “advanced blocking technologies” as “technologies that can improve or enhance the ability of a parent to protect his or her child from any indecent or objectionable video or audio programming, as determined by the parent, ...” Given that the issue of defining indecency is one of continuing debate, Common Sense submits that the terms “indecent” and “objectionable” should be left to the individual discretion of the parents as is now articulated in Section 2(d). This definition is a better approach given that community standards differ not only across the country, but from household to household. Parents are further the best ones to ascertain their own child's level of maturity.

## **II. PARENTS ARE BEST EQUIPPED TO USE FILTERING TECHNOLOGIES WHEN THEY HAVE ACCESS TO TRANSPARENT, UNDERSTANDABLE RATINGS WHICH CUT ACROSS ALL MEDIA/TECH PLATFORMS**

The Commission should support the ability of parents to access third-party ratings – such as those of Common Sense and other independent rating systems – through newly developed filters and the existing V-Chip. The use of blocking technologies is hampered if families are unsure how content is rated or which standards are being used to formulate ratings. Any newly enabled technologies must be open to third-party ratings in addition to industry ratings, and ideally such ratings would be based upon the same transparent scale (i.e., violence, sex, smoking, body image) applied across various media platforms. Better access to ratings will better guide families in selecting the best programs for their children to view.

One step towards empowering parents to more effectively use blocking technologies is to start with suggestions on improving use of the V-Chip. Common Sense submits that V-Chip usage would probably increase if there were additional public awareness campaigns about its use and operation as well as information prominently displayed at points of sale. However, it believes that just as great a factor is that too few parents use the V-Chip because it does not provide sufficient information. One significant improvement would come from requiring clearer information in the ratings and codes utilized by the V-Chip.<sup>4</sup> Consistent codes and language across the industry rating systems would be less confusing and more useful to parents.

A consumer should further be able to understand who is rating the material and the factors which determine the rating (i.e., profanity, violence, nudity, smoking). While industry ratings have and continue to be useful to parents, it is of definite value to have third-party raters able to transcend the media platforms of music, video games, television and movies. Supplemental ratings, analogous to third-party resources like *Consumer Reports*, can also provide explanatory text as to why certain digital messages might be inappropriate for a child's particular age and stage of development.

Parental demand for independent, third-party ratings is demonstrated by the growth of Common Sense, which had well over 7,000,000 unique visitors to our Web site in 2008, and now offers more than 8,600 ratings and reviews of movies, television shows, video games, Web sites and other media content. Ratings from independent organizations like Common Sense and the Parents Television Council could be used with the V-Chip and with other filters. These third-party ratings help simplify the converged digital world and guide families in selecting content.<sup>5</sup>

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<sup>4</sup> Parents can often be unaware – and in many cases mistaken – about what ratings codes mean. See “Parents, Media and Public Policy: A Kaiser Family Foundation Survey”, Fall 2004.

<sup>5</sup> As noted in the NOI, the Benton Foundation, Common Sense and the Coalition for Independent Ratings urged the FCC to improve the V-Chip through the addition of third party content ratings. See Letter from Benton Foundation,

The Commission has requested comment specifically if the addition of third-party rating systems within the V-Chip (and presumably other filters) would be confusing to parents as they might need to skip between rating scales. Common Sense responds that the incorporation of third party ratings would not be difficult for the broadcast industry to implement nor for parents to use. Currently broadcasters transmit a table which includes the TV industry rating scale for television content and the MPAA ratings for movies; the V-Chip is able to use both rating scales simultaneously when filtering content. Additional independent ratings systems would simply co-exist with the other ratings as television broadcasters and manufactures can now digitally transmit and manage larger tables with more rating information, including providing ratings in Spanish and other languages. Parents would not need to switch back and forth between ratings scales, but rather program the V-Chip to apply the ratings based on a ranking selected by the parents. For example, the V-Chip could be programmed to block any content given a Common Sense rating of “off for age 13 and above” or an MPAA rating of PG-13; both filters could work in concert to block objectionable programming. Moreover, third party ratings often include supplemental information for borderline cases when a parent is trying to judge the appropriateness of particular content.<sup>6</sup>

Another key issue is that parents often do not want to block content, but rather find content which is age appropriate or educational for their child. Common Sense accordingly supports the enabling or “opening up” of the V-Chip to read for an E/I classification for Educational/Informational programs. This E/I rating – and a clarification by the Commission of

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Common Sense Media and the Coalition for Independent Ratings to Chairman Martin and Commissioners Tate, Copps, McDowell and Adelstein, dated November 7, 2008.

<sup>6</sup> Ensuring parents can access third party ratings through the V-Chip is timely because Tribune Media Services recently formed a partnership with Common Sense to transmit detailed, age-based ratings of TV shows and movies. More information, not less, seems to be of use to our nation’s parents.

the definition of E/I<sup>7</sup> – would enable parents to search for programs they desire in lieu of only blocking that which is objectionable.

Last, Common Sense applauds industry players such as TiVo that have developed innovative software to enable parents to pro-actively search for and watch programs which are best suited for their family. Common Sense and other non-profit organizations have partnered with TiVo to create menus of recommended programming which can be automatically provided to the television set.<sup>8</sup> Innovations which arm parents with easy-to-operate tools which can facilitate desired programming choices for parents should be commended.<sup>9</sup>

### **III. DIGITAL LITERACY EDUCATION FOR PARENTS AND CHILDREN IS A KEY COMPONENT IN ANY CHILD SAFE VIEWING AGENDA**

Advanced filtering technologies assist parents in the home for the early childhood years, but these technologies become less effective as children reach their “tween” and teen years and have access to content outside the home or are able to download content outside of the home or on their mobile devices. These youth can soon become more technically savvy than their parents and able to circumvent blocking technologies (often without their parents knowledge.) Children need digital literacy education to understand the power of the digital messaging that they absorb on a daily basis. Common Sense believes the best filter is the one we build in a child’s brain, and building that filter begins with digital literacy education long before the child becomes a tween.

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<sup>7</sup> “Educationally/Insufficient? An Analysis of the Availability & Educational Quality of Children’s E/I Programming”, November 12, 2008.

<sup>8</sup> Common Sense and Parents Television Council supported the launch of TiVo’s KidZone initiative and its ability to provide a software solution which pro actively searches for programming deemed best suited to that family’s viewing habits. TV and Kids: The Right Solution, TiVo Press Release, March 2, 2006 (<http://www3.tivo.com/abouttivo/pressroom/pressreleases/2006>).

<sup>9</sup> Partnerships between industry, educators, parents and non-profits to determine good viewing tools for families should be encouraged. Common Sense has begun to work with Direct TV and others to make independent ratings more accessible, and to enable parents to search for age appropriate programs and block those which are deemed objectionable.

Common Sense's core mission concerns parental empowerment and the education of parents, educators and kids about the impact of media on their cognitive, social, emotional and physical well being. Media touches every part of kid's lives – it impacts the way they socialize, communicate, gather and process information, participate in political and economic life and the means by which they form opinions and values. Families and educators need to help children become good digital citizens, and to highlight how media content can impact opinions, values and behaviors. Through schools and community groups, children should be instructed on how to be media savvy and safe, to search for age appropriate content, and to be careful and ethical with regard to their own conduct in a digital media world.

Common Sense has created an educational program for schools which is designed to educate parents about their kid's media lives and how to be involved in what they are hearing, seeing and surfing. Over 2,500 schools in every state and the District of Columbia have signed up to be involved in the program since its launch in October of 2008, a clear indicator of how concerned parents and schools are about media. The program is age and stage specific about the issues typically faced by kids in their interactions with media (i.e., discussions re: texting in grades 5-6, cyber bullying issues in grade 7, social networking issues in grades 8-9).<sup>10</sup>

The success of this program has made it even more apparent that digital literacy education should not only be directed to parents, but also targeted specifically to our nation's youth. Common Sense asks that the Commission focus on the need for greater digital media literacy in the schools and to call upon legislators to fund literacy programs through the Department of Education and other government agencies overseeing media education.

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<sup>10</sup> Information about the Common Sense Schools program can be viewed on its web site at [www.common sense media.org](http://www.common sense media.org).

## CONCLUSION

For the foregoing reasons, Common Sense welcomes the Commission's inquiry regarding the availability of advanced blocking technologies and the ways these technologies can empower parents to filter content which is not appropriate for their children's age and state of development. Common Sense also submits that education regarding digital literacy for both parents and kids is a key component in any overall child safe viewing agenda and is the most effective means for helping parents manage media in their children's lives.

Respectfully submitted,

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