

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

**SUPPLEMENTAL COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

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The National Cable & Telecommunications Association (“NCTA”), by its attorneys, hereby submits its comments in the above-captioned *Notice of Inquiry* (“NOI” or “Inquiry”). NCTA is the principal trade association of the cable television industry in the United States. Its members include owners and operators of cable television systems serving more than 90 percent of the nation’s cable 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 more than \$100 billion in the past ten years to build a two-way interactive network with fiber optic technology. Cable companies also provide state-of-the-art telephone service to millions of American consumers.

INTRODUCTION

The Child Safe Viewing Act of 2007 requires the Commission to examine “advanced blocking technologies” – defined as those 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 such parent, that is transmitted through the use of wire, wireless, or radio communications.” The FCC is to examine “parental empowerment tools and initiatives already

in the market.”¹ Congress also asked the agency to report on “the existence and availability of advanced blocking technologies that are compatible with various communications devices and platforms” and “methods of encouraging the development, deployment and use of [advanced blocking technologies] by parents that do not affect the packaging or pricing of a content provider’s offering.” The FCC is to report back to Congress on the results of this inquiry by August 29, 2009.

As described in a separate Joint Filing in this proceeding, after consulting with more than fifty groups and individuals representing a broad array of interests, NCTA, NAB and MPAA developed the voluntary ratings system – the TV Parental Guidelines – that is widely used throughout the television industry today. NCTA files these Supplemental Comments to expand upon the cable industry’s longstanding and continuing efforts to provide customers with parental control options, and to educate parents about those tools.

Cable programmers and operators have developed and make available a range of methods that help parents both identify programming that is appropriate (or inappropriate) for their children and enable them to block their children’s access to programming that they do not want them to watch. Cable programmers have rated (and encoded) their entertainment programming so parents have information on which to base a decision about whether a program is suitable for their children. Cable operators provide customers the means to block certain programming based on those ratings and a variety of other options. As increasingly more cable customers obtain digital set-top boxes from their cable operator, parents have access to additional features that they can use to limit the programming that their children watch. The industry continues to go to

¹ 110 P.L. 452 (2008).

great lengths to educate cable customers about how they can easily take charge of the television viewing in their homes.

The *Notice* asks a variety of questions relating to new technologies that potentially could assist parents and caregivers “to shield children from inappropriate content in this rapidly changing media environment.”² As noted, the cable industry continues to offer new and improved tools to parents and caregivers that build upon the existing ratings system. And the cable industry has made even more basic information accessible to parents than ever before about the programming – and parental controls – that cable offers.

Cable operators also offer parents tools to control their children’s activities online, including limiting access to websites that offer video programming parents may deem to be objectionable. NCTA members have launched an initiative to help educate parents about the many options available to them to control their children’s activities on the Internet.

I. THE CABLE INDUSTRY PLAYS A LEADERSHIP ROLE IN EDUCATING PARENTS AND TEACHERS ABOUT AVAILABLE TOOLS TO HELP FAMILIES MANAGE TELEVISION VIEWING

Recognizing that not all video programming is appropriate for every age group, the cable industry has been at the forefront of providing parents with tools to help control and better manage their children’s television viewing. The industry also has partnered with educators and children’s advocacy groups to help with this effort and to teach the important concepts of media literacy. Both at the local and national level, the cable industry for more than a decade has engaged in a sustained and multifaceted effort to explain to parents how they can keep programming they find objectionable from their children.

² *Notice* at ¶ 3.

Cable's commitment to helping families manage television viewing predated the development of the TV Parental Guidelines ratings systems. Starting in 1994, the cable industry pledged to support a violence rating system and technology that eventually would become the "V-chip." That same year, NCTA, Cable in the Classroom (CIC), and the National PTA formed a partnership that became *Taking Charge of Your TV*, an initiative to promote media literacy through training events in local communities and other educational tools distributed by NCTA and CIC.

As described in more detail in the Joint Comments of NCTA, NAB and MPAA, in 1997 the cable industry joined with others in the TV industry and the advocacy community to announce the implementation of the TV Parental Guidelines system, an age- and content-based ratings system modeled after the movie ratings for rating TV programming and, in conjunction with the V-chip, for blocking programming based on its rating. Recognizing that the new ratings system would not be a success without educating parents and teachers about its meaning and use, NCTA also engaged in more than a decade-long effort, both jointly with NAB, MPAA, and others and separately, to publicize the ratings system and V-chip.

In 1998, NCTA, in partnership with leading children's advocacy groups from the fields of health, education, and child development, launched an extensive public education effort to help parents understand and use the TV ratings system. Under the banner *Tools to Use to Help You Choose: A Family Guide to the TV Ratings System*, NCTA provided a variety of different materials – video and print – free to parents, concerned organizations, and the public. For example, NCTA produced a short video, hosted by the original "Captain Kangaroo," Bob Keeshan, explaining each ratings category and the content descriptors. The association also issued a companion print brochure explaining the TV ratings system and providing additional

resources and information to parents about children and television, media literacy and critical viewing, and even supplied a peel-off sticker for the TV remote control for quick reference to the TV ratings categories and content labels.

That effort was followed by a joint campaign designed to give parents additional information on how to use the TV ratings system and the V-chip effectively. In 1999, NCTA joined the NAB, MPAA and leading children's advocates to promote the *V-chip Education Project*. NCTA, NAB and MPAA created and widely distributed a series of public service announcements ("PSAs") to promote the campaign.

In 2004, the cable industry intensified its efforts to raise awareness of the TV Parental Guidelines and the parental control tools that cable offers through the "Control Your TV" campaign. The cable industry produced additional PSAs promoting the availability of cable's blocking technology. It launched the websites www.ControlYourTV.org and its Spanish-language complement www.controlesutelevisor.org that feature extensive information on cable blocking technology, programming suitable for the entire family, and resources devoted to media literacy and education.

NCTA in 2005 focused on industry outreach to the local community and additional customer communications to help drive awareness of parental controls. This initiative included a public service campaign, with PSAs aired by more than 100 cable networks and thousands of local cable systems whose donated airtime was valued at more than \$200 million. One of the centerpieces of this initiative was 100 community events sponsored by local cable systems, and developed in partnership with the National PTA, providing information about using cable's parental control tools, TV ratings and the V-chip, and media literacy.

Operators and programmers, as part of the initiative, also engaged in comprehensive customer communications. New customers and existing customers who upgrade to new equipment were given information about parental controls and how to use them. Billing statements were used to get the word out to existing customers. And operators improved their company websites to feature information on parental controls, displaying “one click” access to parental control information on company homepages. Leading operators also incorporated parental control messages into their video-on-demand offerings and through other media, including instructions on how to program control tools. They also created consumer-friendly materials about parental controls to be included as part of in-store displays at major retailers such as Best Buy and Circuit City. Programmers as part of this initiative also made improvements to the on-screen ratings to provide enhanced information to viewers. Cable networks began airing a larger TV ratings icon on-screen at the beginning of programs to make it more visible to the viewer. And they began inserting a ratings icon after commercial breaks to alert viewers to the rating throughout the program.

In 2006, the cable industry joined with the Advertising Council and a broad cross-section of media and entertainment industries to launch a national multi-media public service advertising campaign calling on parents to take a more active role in their children’s television viewing habits. The campaign included television, radio, print, and online public service announcements. The television industry donated airtime valued at more than \$340 million for showing these advertisements. The industries and the Ad Council also launched a new comprehensive website (www.TheTVBoss.org) providing information on managing media in the home, including how to use blocking technologies, make informed program choices, talk with children about what they’re watching, and use the ratings system. An additional component of the campaign

included outreach to community and religious groups to continue to make consumers aware of the existing parental control options available to them.

Cable operators and programmers have also taken advantage of technology to continue to provide easily accessible information to cable viewers and to point users to these helpful industry websites. NCTA member cable operators have websites that explain these tools in detail.³ Many of these websites provide videos to help parents understand how to use the parental control features on their set-top boxes. Operator websites also provide “how to” screen shots to guide parents easily through the set-up of blocking techniques. And NCTA member cable programmers also provide extensive information on their websites, not only about the ratings for individual programs but also more general information designed to help parents make informed viewing choices.⁴

II. CABLE OPERATORS HAVE MADE ADVANCED BLOCKING TECHNOLOGIES AVAILABLE TO CUSTOMERS

In addition to these long-standing educational efforts, the cable industry has been at the forefront of using technology tools to empower parents to choose what programs or channels their children watch. Even before television sets contained V-chips, cable operators offered

³ See, e.g., <http://www.comcast.com/Corporate/Customers/ParentalControls.html?lid=9CustomersParentalControls&pos=Nav>; <http://www.timewarnercable.com/SoCal/learn/cable/parentalcontrol.html>; http://www.cox.com/takecharge/parents_tv.asp; <http://www.charter.com/customers/support.aspx?supportarticleid=21>; <http://optimum.net/Support/Parents>; http://www.mybriighthouse.com/products/digital_cable/parental_controls/default.aspx; <https://www.insightcom.com/4643.htm>; http://www.mediacomcc.com/customer_parental.html; <http://suddenlinkfyi.com/>; <http://www.bresnan.com/parentalControls/>; <http://www.midcocomm.com/resourcecenter/index.cfm/165/Cable/Parental-Controls>; <http://www.sectv.com/>; http://www.gci.com/forhome/cable/control_your_tv.htm; <http://elgin.uscable.com/corporate/support.php>; http://www.eaglecom.net/parental_controls.php; <http://trf.mncable.net/>; http://www.bendcable.com/residential/dc_parental_control.asp?pageID=dc&subID=pcg.

⁴ See, e.g., http://www.aetv.com/tv_parental_guidelines.jsp; <http://www.cartoonnetwork.com/help/ratings.html>; <http://home.disney.go.com/tv/>; <http://www.fxnetworks.com/>; http://www.hallmarkchannel.com/publish/consumer/home/parental_controls.html; <http://www.history.com/ncta/index.jsp>; <http://tlc.discovery.com/tv-schedules/daily.html>; http://www.travelchannel.com/Weekly_TV_Schedule; http://www.trutv.com/parental_controls/index.html; <http://www.nbc.com/nbc/footer/v-chip/tvratings.shtml>.

technology that could be used to restrict content from reaching the television set. From the start, cable operators provided families with the ability to block unwanted channels. Operators scrambled particular channels to ensure that only those customers that wished to subscribe could receive them. And operators provided the means to exclude channels that otherwise came as part of a tier of service. Operators originally accomplished this through filtering out particular channels using a blocking device located outside a customer's home; later, analog set-top boxes were introduced that could perform this function inside the home.⁵

Cable operators made these blocking devices widely available. Operators of systems serving more than 90 percent of cable customers pledged to go beyond the requirement to make these devices available for *lease* to customers⁶; beginning in 2004, these operators offered *free* channel blocking technology for those customers that otherwise did not already have the means to prevent unwanted channels from being viewed in the home.

As cable technology has changed, advanced blocking techniques have become more widely available. Digital set-top boxes that are widely deployed in cable customers' homes today contain even greater functionality than operators could offer before. While specific features depend on the particular cable operator and the model of set-top box,⁷ typically these boxes come with numerous settings for controlling the programming available in the home.⁸

⁵ As the Supreme Court noted in striking down on First Amendment grounds the content-based restrictions on cable speech in *U.S. v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 815 (2000), "cable systems have the capacity to block unwanted channels on a household-by-household basis." The Court also found that targeted blocking "enables the Government to support parental authority without affecting the First Amendment interests of speakers and willing listeners." *Id.* at 814-15.

⁶ 47 U.S.C. § 544 (d)(2).

⁷ NCTA's "Control Your TV" website contains detailed descriptions on the different box functionalities and includes videos explaining how to use them. <http://www.controlyourtv.org/DetailPage.php?PageID=29>.

⁸ TV ratings settings also apply to programs recorded on a DVR. *See, e.g.*, <http://www.comcast.com/Corporate/Customers/ParentalControls.html> (noting that subscribers to DVR service "can use these same [parental] controls to block viewing of programs recorded using your built-in DVR from Comcast").

These settings are easily accessible from program guide menus or in some cases information bars that are activated from a remote control. Features vary by system and by model of set-top box, but, as described below, in addition to enabling blocking based on the TV Parental Guidelines ratings, operators often provide options to block particular channels, shows, or time slots.

The cable industry makes it easy to block programming using the TV Parental Guidelines by employing a blocking PIN number.⁹ Cable programmers transmit ratings and content descriptors to the providers of cable program guides, which in turn are deployed to digital set-top boxes by the cable service provider. Users can easily navigate their way through these guides and can use a variety of different menu options from which to gain information about a show's rating and to activate parental controls.

For example, parents can block programming based on age-appropriateness for their children relying on the age-based ratings. Current versions of the program guide enable parents to also use content locks to block portions of channels by content descriptors, allowing parents to provide more granular locking based on the combination of particular age-based ratings and content descriptors. (For example, a customer can lock a TV-PG program that contains one particular content descriptor, such as "V", but not a different descriptor, such as "L".) Or content can be locked based solely on the content descriptor, rather than the age-based rating. (For example, all programs with a "V" descriptor can be locked, regardless of the age-based rating.) In addition, the guide typically can automatically lock a higher level of that rating or content. (For example, if a customer chooses to lock based on the TV-PG rating, all "higher rated" content – TV-14 or TV-MA – is automatically blocked. And if a customer chooses to block

⁹ See <http://www.controlyourtv.org/DetailPage.php?PageID=48>.

based on a content descriptor – such as “moderate violence” – higher levels of violent content will also be automatically blocked.)

Customers can also use the MPAA movie ratings to select movies appropriate for their family viewing. Features allow users to see all movie ratings – and whether they have been locked – on a single screen. And a “ratings ceiling” feature automatically enforces ratings at the currently selected level as well as any more severe content.

In addition, many digital cable boxes provide easy – and instant – access to ratings information. In addition to the on-screen icons that each rated program provides, the ratings can be found in several locations where parents typically look for program information. Additional features allow parents to view the TV Parental Guidelines ratings information on the information bars accompanying each program. In addition, users can see a description of what each content label means in the information bar (*e.g.*, TV-PG, V/V = moderate violence). Digital set-top boxes can also provide full ratings information – including content labels – in the description of a highlighted program that appears in the TV listings grid.

The current generation of digital cable set-top boxes also contain features that “operate independently of ratings pre-assigned by the creator” of the video programming.¹⁰ For example, on some digital boxes, parents can set up their controls so that their children are unaware that a particular channel or program is available on a particular television set by using their digital set-top box to lock by channel name or channel number. Channels on the skip channel list will not be displayed on the TV screen and in some cases can be omitted from display in the program guide altogether. Customers can also lock by program title so that anytime a “locked” program with that title airs (regardless of its rating or channel), it will not appear on that particular

¹⁰ See 110 P.L. 452, § 2 (b)(4).

television set. In addition, some digital boxes have features that allow customers to block access to an entire service like video-on-demand.¹¹ Some digital boxes also enable customers to block content based on time and day.

Cable operators are making the use of these locks more customer-friendly by enhancing customers' ability to access these blocking features from main menus, parental control menus, information bars, and the like. And they are also making it easy for adults not only to set but to clear the locks when they wish to watch programming they otherwise deem unsuitable for their children. For example, customers can temporarily turn off all locks and have those locks automatically restored once the set-top box is turned off.

Operators obtain regular feedback from parents on the usability of features and are responsive to suggestions on ways to improve the user experience. Cable operators have made improvements and will continually update these features to respond to customer needs.

III. CABLE OPERATORS HAVE PARTNERED WITH THIRD PARTIES TO PROVIDE PARENTS ADDITIONAL INFORMATION ABOUT VIEWING CHOICES

As described, all cable operators support the well-known TV Parental Guidelines ratings system. But major cable operators also have explored providing cable customers with additional information from third party organizations to help ensure cable customers can access even more information about their programming choices.

For example, some cable operators link to third party ratings from their homepage. Several cable operators have relationships with Common Sense Media, a non-profit, non-partisan organization which rates movies and TV shows, among other things, and which issues recommendations according to a program's or movie's appropriateness for a particular age

¹¹ VOD programs may also be blocked using TV and Movie Ratings settings.

group. For example, Time Warner Cable has partnered with Common Sense Media to provide parents with additional information to assist in guiding their viewing decisions.¹² Cox Communications links to Common Sense Media through its “Cox /Take Charge Parents” page.¹³ Comcast also makes Common Sense Media reviews available both on video-on-demand and on its Internet portal.¹⁴

Cable operators have every incentive to respond to their customers’ desires for improvements in parental controls. They continually make adjustments without any governmental mandate, and can be expected to persist in their efforts to offer their customers the best in parental controls and the easiest access to information about the programming they offer.

IV. THE CABLE INDUSTRY HAS VOLUNTARILY ACTED TO HELP PARENTS CONTROL CONTENT AVAILABLE OVER THE INTERNET

Section 2(b)(1) of the Child Safe Viewing Act also asks the FCC to consider advanced blocking technologies that “may be appropriate across a wide variety of distribution platforms, including wired, wireless, and Internet platforms.” With respect to television viewing over the Internet, cable operators are exploring ways to provide customers advanced parental controls. As a leading provider of high-speed Internet services, the cable industry appreciates the need to provide simple tools for parents to use to control their children’s experiences online.

Today, cable operators offer easy access to tools on their websites to help parents reduce access by children to harmful material on the Internet, including websites that provide video content.¹⁵ Many of these operators offer free software to Internet customers that use filtering

¹² See <http://www.timewarnercable.com/nynj/learn/cable/parentalcontrol.html>.

¹³ <http://www.cox.com/takecharge/partners.asp>.

¹⁴ <http://www.comcast.com/About/PressRelease/PressReleaseDetail.ashx?PRID=13&fss=common%20sense%20media>.

¹⁵ See, e.g., http://www.insightbb.com/pcsecurity/detail_topics_parentalcontrol.aspx (Insight provides free robust parental controls as part of CA’s Internet Security Suite 2007).

technology to block websites based on content categories. For example, Cablevision and Mediacom offer free software (the CA Internet Security Suite) that allows customers to control and manage Internet access for the entire family. Features include the ability to block individual websites, create and define numerous user profiles with their own filtering profile, and impose restrictions on the amount of time each user can spend on the Internet.¹⁶ Comcast offers its customers a variety of options for protecting their children online.¹⁷ Among other options, Comcast provides free McAfee Security Suite software through which parents can block entire websites.¹⁸ Charter provides a Security Suite with parental controls that can block access to unwanted websites by age level, category and time of day.¹⁹ Time Warner and Bright House provide free parental control software from Pure Sight, which includes web filters based on nine filtering categories.²⁰ Cox provides free parental control software that allows parents to control access to websites and restrict the time of day and duration of a child's web surfing.²¹ Additional tools are available from a wide variety of sources to help parents take charge of their children's online experiences.²²

NCTA has played a central role in helping to highlight online safety issues. In June 2007, NCTA and CIC launched *Cable Puts You in Control: PointSmart.ClickSafe*. – a comprehensive initiative to educate consumers and parents about online safety and the

¹⁶ http://www.optimum.net/Lifestyle/MyComputer/Security;www.mediacomcable.com/ca_internet_security_suite.html.

¹⁷ <http://security.comcast.net/get-smart/protect-your-family/parental-controls.aspx>.

¹⁸ Suddenlink also offers McAfee Suites. See <http://www.suddenlink.com/netsafety/mcafee.html>.

¹⁹ <http://www.charter.com/customers/supportgeneral.aspx?pagetype=12>.

²⁰ <http://www.timewarnercable.com/Rochester/learn/hso/parentalcontrols/default.html>;
http://www.mybrighthouse.com/products/high_speed_internet/default.aspx.

²¹ www.cox.com/takecharge/Internet_controls.asp.

²² Thierer, *Parental Controls & Online Child Protection: A Survey of Tools and Methods*, The Progress & Freedom Foundation (2008).

appropriate use of the Internet by children. As part of the *PointSmart.ClickSafe.* initiative, NCTA members have pledged to:

- Offer parental controls or filters free of charge to help families manage online content;
- Offer educational resources for parents, children, and other consumers about online parental controls and Internet-related media literacy;
- Participate through Cable in the Classroom in partnerships with school-based and community-based education groups to ensure that information on Internet safety and literacy is available to teachers, parents and caregivers; and
- In conformity with all legal requirements, cooperate with law enforcement officials to help prevent, police and prosecute criminal activity online.

Through *PointSmart.ClickSafe.*, the cable industry has forged key partnerships with expert organizations, including the American Association of School Librarians (AASL), Common Sense Media, the Internet Keep Safe Coalition (iKeepSafe), the National Center for Missing & Exploited Children (NCMEC), the National PTA, the Public Library Association, and State Educational Technology Directors Association (SETDA), to help develop and deliver resources for parents. NCTA and CIC jointly created a resource-rich website designed to give parents and other caregivers information about online parental controls and media literacy, and to help children make the right choices when online.²³ NCTA and others also hosted a summit focused exclusively on child online safety.²⁴ NCTA, CIC, iKeepSafe, and Common Sense Media have established a “blue ribbon” inter-industry commission to develop further best practices for online safety and literacy. Through all of these efforts, the cable industry has been a leader in educating parents on ways to protect their children from content parents may consider inappropriate on the Internet.

²³ <http://www.pointsmartclicksafe.org/flash.html>.

²⁴ www.pscsummit.org.

CONCLUSION

The cable industry is committed to continuing to improve the options available to parents as technology advances. And it will continue to play a leadership role in ensuring that parents are aware of those options.

Respectfully submitted,

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