

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

In the Matter of)	
)	
Implementation of the Child Safe Viewing)	MB Docket No. 09-26
Act; Examination of Parental Control)	
Technologies for Video and Audio)	
Programming)	
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COMMENTS OF ION MEDIA NETWORKS, INC.

John M. Lawson
Executive Vice President
ION Media Networks, Inc.

May 18, 2009

ION Media Networks, Inc. hereby submits these comments in response to the Federal Communication Commission's Notice of Inquiry in regards to the implementation of the Child Safe Viewing Act (MB Docket No. 09-26).

Television producers and distributors and American consumers face a multitude of challenges in the current media environment. Harnessing the power of technology to assist parents in controlling the video and audio programming to which children are exposed is certainly one challenge, and ION Media Networks, Inc. (ION) supports efforts to supply parental control tools to block objectionable content. However, ION strongly believes that the challenges facing parents extend far beyond blocking technologies. The challenge for parents is not only blocking objectionable content, but also finding quality children's programming on television that parents *want* their children to watch – programming that is both educational and entertaining.

Congress and the Federal Communications Commission (FCC) have already acknowledged the need for broadcasters to provide educational and informational programming for children, known as E/I programming. In accordance with the 1990 Children's Television Act, the FCC adopted rules requiring broadcasters to air at least 3 hours per week of E/I programming and to adhere to other related obligations, such as providing information in advance about E/I programming, limiting commercial advertisements, etc.

However, many in Congress, the FCC and the general public continue to expect and demand more quality children's television programming beyond the amount required of broadcasters. Cable and satellite television have the potential to meet the expectations of parents to find appropriate children's programming on television. Unfortunately, this

potential has been left largely unrealized. Public policy has focused almost exclusively on broadcasters, while cable and satellite providers continue to ignore the calls for more quality children's programming. As a result, independent producers of such programming have found it unacceptably difficult to get family-friendly children's programming carried on cable and satellite television.

Unlike broadcasters, multichannel video programming distributors (MVPDs) are currently not required to meet public interest obligations nor are they required to air new digital programming from broadcasters. Without such a mandate, discretion to decide what is best for the American public is left solely to MVPDs with little or no accountability to the general public. This process of self-regulating has helped lead to the current crisis in children's programming, where MVPDs do not seek out or acquire new children's programming, independent producers of such programming are left without a market for their products and parents are left with limited programming options for their children.

The problem is not a lack of available programming. For example, ION Media Networks and its partners have created a DTV broadcast channel, Qubo, exclusively featuring children's programming. Qubo is a joint venture between ION Media Networks, Inc. and several other companies, including Scholastic Media. It offers 24/7 multi-platform educational entertainment in English and Spanish that focuses on literacy and values. Qubo's programming seeks to entertain children while simultaneously helping them become learning ready, acquire a love for reading, and reinforce values that build a lifelong foundation for self-esteem and integrity.

ION broadcasts Qubo free and over-the-air as a digital channel on the network's 59 local stations. ION has offered this channel free-of-charge to MVPDs, but has still been unable to secure coverage through most providers. Since there is no requirement for MVPDs to air children's programming and a great reluctance to utilize their available bandwidth, there has been little incentive for MVPDs to work with independent producers and distributors of children's programming to enhance the program options they provide families and children.

This is an unacceptable situation. MVPDs should be held to a higher standard. Parents should be left with more options than simply blocking programming deemed harmful. And a quality children's channel like Qubo, which is utilizing the UHF spectrum of an independent broadcaster in the public interest, should not be allowed to slowly die because of the lack of distribution that only MVPDs can provide.

It is for this reason that ION Media Networks is calling upon the FCC to issue a Notice of Inquiry to review the bottleneck in getting quality children's programming carried by MVPDs. We also would encourage the FCC to explore public policies to encourage this outcome. America's children have a right to watch and enjoy programming that is educational and entertaining, but unless MVPDs allow more outside programming on their systems, or the FCC weighs in on the issue, most of America's children will continue to be denied this opportunity.