

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

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

**REPLY COMMENTS OF COMCAST CORPORATION**

Comcast Corporation (“Comcast”) hereby responds to the comments filed in response to the above-captioned Notice of Inquiry (“*Notice*”).<sup>1</sup> As explained in our comments, Comcast empowers parents to limit access to content they deem inappropriate for their children by providing its customers a wide-range of parental control options.<sup>2</sup> Comcast also educates parents about the tools that are available to them.<sup>3</sup>

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<sup>1</sup> *In re Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming*, Notice of Inquiry, 24 FCC Rcd. 3342 (2009) (“*Notice*”).

<sup>2</sup> *See* Comcast Comments at 1, 2-5.

<sup>3</sup> *See id.* 5-9. Comcast’s comments included a reference to Project Online Safety, *see id.* at 7 n.16, which has been superseded by various other efforts. Comcast’s Security Channel ([security.comcast.net](http://security.comcast.net)) offers links to a wide variety of resources that provide information to help parents stay educated about online safety issues. For example, Comcast provides links to the Family Online Safety Institute (“FOSI”) website (a resource providing materials online to help families have a safe experience online); [Pointsmartclicksafe.org](http://Pointsmartclicksafe.org) (a website containing information about the cable industry initiative to educate parents about online safety and appropriate use of the Internet by their children); [www.getnetwise.org](http://www.getnetwise.org) (a comprehensive website for information to help keep families safe online); [Netsmartz.org](http://Netsmartz.org) (an interactive, educational safety resource from the National Center for Missing and Exploited Children (“NCMEC”) and Boys & Girls Clubs of America); Microsoft Online Safety (a website containing advice and tools to help protect families from inappropriate content, inappropriate contact, viruses, identity theft, and more); [OnGuardOnline.gov](http://OnGuardOnline.gov) (a website providing practical tips from the federal government and the technology industry against victimization); and Common Sense Media (a website offering resources dedicated to making age-appropriate media decisions easier).

The comments filed in this proceeding demonstrate that there are an abundance of parental control tools available in the marketplace today.<sup>4</sup> As noted by the Association of National Advertisers, a “quick inventory of available technologies reveals a diverse array of methods that permit viewers to exert control over the programming they receive.”<sup>5</sup> Comcast agrees with commenters who oppose government mandates for parental controls, given that the marketplace is meeting consumer demand and that government mandates could harm innovation and limit options available to parents.<sup>6</sup> A joint comment by NAB, NCTA, and MPAA aptly explains,

Clearly, there is a marketplace demand for parental control technology, and a broad array of companies is [sic] developing innovative products to meet that demand. However, governmental intervention, in the form of a mandatory ratings system or technology mandates, would likely chill innovation and investment in new solutions and limit parental options for managing their children’s TV viewing.<sup>7</sup>

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<sup>4</sup> A wide variety of companies provided descriptions of the parental control technologies that they provide to consumers. *See, e.g.*, Cox Comments at 1-2, 5-11; AT&T Comments at 5-9; DirecTV Comments at 2-11; Sprint Comments at 1-3; Google Comments at 4-9; Microsoft Comments at 5-16; TiVo Comments at 2-4.

<sup>5</sup> Ass’n of Nat’l Advertisers Comments at 2; *see also* Progress & Freedom Found. Comments at iii (“There has never been a time in our nation’s history when parents have had more tools and methods at their disposal . . . . Parents have been empowered with technologies, strategies, and information that can help them devise and enforce a media plan for their families that is in line with their own needs and values.”); NAB/NCTA/MPAA Joint Comments at 3 (“[T]here are a number of parental control technologies currently available and additional tools are coming to market for a variety of video platforms.”); DISH Network Comments at 2 (“The industry has demonstrated that if afforded adequate flexibility, it can create a wide variety of tools for parental empowerment to manage children’s viewing.”); AT&T Comments at 5 (“Internet service providers, communications companies, entertainment and video service providers, and others already have deployed a broad array of parental control technologies to help parents keep children safe online.”); Consumer Elecs. Ass’n Comments at 5 (“More than ever before, today’s parents have a multitude of advanced blocking technology options to identify objectionable content and prevent their children from accessing that content.”).

<sup>6</sup> *See, e.g.*, Progress & Freedom Found. Comments at 6-7; Verizon Comments at 11-12; TiVo Comments at 7.

<sup>7</sup> NAB/NCTA/MPAA Joint Comments at 18.

Other parties offered similar insights:

- Government controls . . . essentially treat all households as having the same needs and values . . . . Even though not all private controls will be equally effective, failure will be detected more rapidly and the better systems will gradually win out as more and more legitimate content is tagged and rated.<sup>8</sup>
- Given the exceedingly fast evolution of communications technologies and the marketplace, the development of an extensive federal regulatory regime could hinder . . . development of advanced parental control technologies. . . . [A]ny lengthy regulatory process aimed at mandating standardized parental control requirements could work to delay . . . the development of advanced, state-of-the-art content filtering or blocking mechanisms. Moreover, any regulatory efforts to arrive at a ‘one-size-fits-all’ approach to parental control technologies very well could result in adoption of a lowest common denominator approach that would discourage carrier innovation, inhibit the development of alternatives, and ultimately leave parents with fewer, less effective tools at their disposal.<sup>9</sup>
- [I]f Congress or the Commission chooses a particular technological implementation over other technically feasible alternatives, innovation will be choked off.<sup>10</sup>

Despite the strong consensus reflected in the comments just cited, and the powerful logic on which they rely, TV Guardian urges the Commission to suggest that Congress mandate widespread use of its technology, including in hundreds of millions of cable set-top boxes.<sup>11</sup> The Commission should not do so. TV Guardian acknowledges that its technology has been incorporated into certain consumer electronics devices that consumers interested in the technology can buy. There is no need to mandate that it be incorporated into set-top boxes, which -- contrary to TV Guardian’s claims -- is neither easy nor inexpensive. As TiVo explains, it is “doubt[ful] that [TV Guardian] would work well nationwide across a wide variety of close

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<sup>8</sup> Progress & Freedom Found. Comments at 6-7.

<sup>9</sup> Verizon Comments at 11-12 .

<sup>10</sup> TiVo Comments at 7.

<sup>11</sup> *See* TV Guardian Comments at 42.

captioned video programs,” thus, TiVo “opposes mandates of particular technology implementations without a thorough cost/benefit analysis and an understanding of all intellectual property issues.”<sup>12</sup> Comcast agrees.

Comcast did in fact meet with TV Guardian several times to discuss its technology.<sup>13</sup> Comcast continually evaluates new product features from both internal and external resources, and did so with TV Guardian.<sup>14</sup> Cognizant of potential legal and technical issues related to deployment, Comcast commissioned research to explore potential consumer demand for the TV Guardian technology.<sup>15</sup> The research indicated that the breadth of the technology’s actual usefulness to the Comcast customer base would be quite limited. Coupled with the potential legal and technical concerns related to deployment of TV Guardian, Comcast’s research showed that TV Guardian’s technology would not garner sufficient consumer interest and incorporation of that technology into Comcast’s set-top boxes would not be a good business decision. Despite TV Guardian’s urging, the Commission has no basis, and no authority, to disturb that reasonable and well-grounded business judgment.

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<sup>12</sup> TiVo Comments at 9, n.4.

<sup>13</sup> Comcast and TV Guardian had numerous face-to-face meetings and conference calls, representing a typical level of engagement for Comcast’s investigation and evaluation of new technologies or services. In fact, the evaluation of TV Guardian ultimately proceeded further than most due to the fact that Comcast places a great deal of importance and priority on the area of parental controls.

<sup>14</sup> New product features are always evaluated against three main criteria: value to the consumer, technical feasibility, and cost to build, integrate, and license.

<sup>15</sup> To explore value to the consumer, Comcast typically performs attitudinal research to determine applicability to a broad spectrum of potential users. In those instances, Comcast tests for general acceptance of the product or service as designed and, in certain cases, early stage usability testing. The end user experience also is evaluated; this includes performance, presentation quality, interaction model, nomenclature, and additive or subtractive value of the feature in relationship to the primary goal of video consumption and management. Finally, Comcast explores the price/value relationship.

For the foregoing reasons, Comcast requests that the Commission issue a report in this proceeding that illustrates the breadth and depth of parental control options available in the marketplace today, and opposes any government mandates that could have unintended negative consequences.

Respectfully submitted,

/s/ James L. Casserly

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