

# Arent Fox

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August 24, 2009

## FILED ELECTRONICALLY

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Washington, D.C. 20554

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

Dear Ms. Dortch:

Attached is an August 14 letter submitted by TVGuardian in this proceeding.

In addition, TVGuardian wishes to clarify the record with respect to an ex parte letter filed by Comcast earlier this month relating to focus groups that Comcast retained to observe the TVGuardian technology ("TVG"). Two points are important here. First, TVGuardian was present during those sessions and it estimates that approximately 60% of the people in the focus groups had a favorable response to TVG. It should be noted that Comcast promised to provide to TVGuardian a report of the results from those focus groups, but never did so.

Second, TVGuardian did not request that Comcast use the movie *Catch and Release* as its primary movie to show the focus groups, which was completely inappropriate, but instead strongly objected to its use at all. TVGuardian protested the use of *Catch and Release* for the focus groups because it has strong sexual content throughout the movie, as well as drug use. The target audience for TVG is families who want to watch shows and movies they would otherwise enjoy viewing if not for the foul language. *Catch and Release*, however, does not fit this description. In fact, Screen-It parental movie review site categorizes *Catch and Release* as having a "Heavy" amount of alcohol and drugs, and "Extreme" sex and nudity. Accordingly, removing the foul language cannot change the overall strong sexual theme of the movie. TVGuardian protested the use of this movie during the focus groups and afterwards, saying that a movie with such strong sexual content was not the type of movie parents would want to share with their children.

Nevertheless, even though Comcast inappropriately used *Catch and Release* as its primary movie to test the focus groups' interest in TVG, there appeared to still be a strong interest in TVG from those focus groups. This is hardly surprising given that other survey results have clearly shown that a large percentage of people want foul language filtering technology. See May 18, 2009

TVGuardian Reply Comments, MB Docket No. 09-26, Attachment 4. Moreover, the tremendously strong interest in TVG is also shown by the comments filed in this proceeding, as the vast majority of comments (approximately 95% of the comments, totaling more than 9,000 comments) have been from consumers very strongly requesting that they continue to have access to TVG.

Respectfully submitted,



Alan G. Fishel

Attorney for TVGuardian, LLC

cc: Sherrese Smith  
Rick Chessen  
William Freeman  
Rosemary Harold  
Rick Kaplan  
Jennifer Schneider  
Robert Radcliffe  
Mary Beth Murphy  
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August 14, 2009

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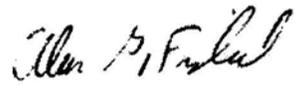
Dear Ms. Dortch:

On behalf of TVGuardian, LLC ("TVG"), and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. §1.1206(b), TVG hereby submits this letter to raise the following points:

- The public has expressed a very strong interest in having access to advanced foul language filtering technology. The vast majority of comments in this proceeding (well over 9,000 comments) urge the Commission to take action to ensure that such technology is available to Americans that want the technology. The American Family Association, which has 2.7 million members, also strongly supports ensuring that such technology is available to all Americans who wish to use it.
- No providers have voluntarily included such technology yet in their systems.
- Such technology has been available previously to the public, but will no longer be available as a result of the digital transition unless the industry agrees to voluntarily incorporate such technology in their systems, or the Commission and/or Congress takes action to ensure such technology is available.
- The public interest strongly favors ensuring that all Americans have access to advanced foul language filtering technology across a wide range of media, including television, cable and satellite, wireless devices, non-networked devices, and to the extent practicable, the Internet.
- Accordingly, if the industry does not voluntarily ensure that such access is available across such wide range of media within a reasonable time frame, Congress and/or the Commission should determine what action is necessary to assure that access is allowed.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan G. Fishel". The signature is written in a cursive, slightly slanted style.

Alan G. Fishel

Attorney for TVGuardian, LLC