
**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Empowering Parents and Protecting Children) MB Docket No. 09-194
in an Evolving Media Landscape)
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COMMENTS OF THE CONSUMER ELECTRONICS ASSOCIATION

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SUMMARY

In today's fast-changing media landscape, the consumer electronics industry, policymakers and all other stakeholders share a common goal: to protect our children and help them to advance and thrive in today's digital world. To that end, the Consumer Electronics Association's member companies have developed and continue to provide effective products and product features to help parents structure their children's television experience. Video providers also offer a broad array of parental control tools. Interested parents can take advantage of this vibrant marketplace to find technological tools and services to tailor their children's viewing experience to meet their family's particular needs.

Although the V-chip is a popular term to describe the general category of parental controls, V-chip technology for over-the-air digital television sets is just one option in the expanding universe of parental control technologies. In fact, as more and more Americans pursue digital entertainment through different media, including MVPD platforms, the relative importance of the V-chip technology is diminishing. Accordingly, data surrounding the level of V-chip usage and awareness needs to be evaluated in the context of the rapidly increasing variety of parental control technologies available.

For the population that relies on it, the V-chip continues to be an easy-to-use and effective tool. Moreover, the V-chip standard has evolved to support a flexible, downloadable rating system in the digital version of the V-chip. There is no need for additional V-chip regulation and proposals to reform or enhance the V-chip are unwarranted and infeasible.

As children consume increasing amounts of media content, the consumer electronics industry remains committed to providing a marketplace of robust parental controls to ensure that parents and their children have tools to navigate today's media landscape.

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The Consumer Electronics Association (“CEA”) respectfully submits these comments in response to the Notice of Inquiry (“*NOI*”) issued by the Commission in the above-referenced proceeding.¹ As the principal U.S. trade association of the consumer electronics and information technology industries, CEA is pleased to provide input as the Commission continues to explore the opportunities and challenges for parents in today’s electronic media landscape.² As a recent study by the Kaiser Family Foundation concludes, young people are using more media platforms than ever before to consume more media than ever before.³ In this participatory and media-rich

¹ *Empowering Parents and Protecting Children in an Evolving Media Landscape*, Notice of Inquiry, 24 FCC Rcd 13171 (2009) (“*NOI*”).

² CEA’s more than 2,000 member companies include the world’s leading consumer electronics manufacturers. CEA’s members design, manufacture, distribute, and sell a wide range of consumer products including television receivers and monitors, computers, computer television tuner cards, digital video recorders (“DVRs”), game devices, navigation devices, music players, telephones, radios, and products that combine a variety of these features and pair them with services – all as chosen by consumers in an open marketplace.

³ Victoria J. Rideout *et al.*, The Henry J. Kaiser Family Foundation, *Generation M²: Media in the Lives of 8- to 18-Year-Olds*, at 2 (Jan. 2010) (“Kaiser Study”).

environment, as the Commission has recognized, “electronic media technologies present many benefits for children,” including “almost unlimited potential for educational avenues” and the “technological literacy needed to compete in a global economy.”⁴ At the same time, increased exposure to new media platforms creates risks for children and families.⁵ Amidst this fast-changing media landscape, the consumer electronics industry, policymakers and other stakeholders share a common goal: helping our children advance and thrive in today’s digital world. To that end, parental controls are easy to use, widely available and continually being improved with new features.

CEA has long been active in the dialogue about parental controls and recently participated in the Commission’s Child Safe Viewing Act (“CSVA”) proceeding.⁶ As leaders in the development of parental empowerment tools, including the V-chip, CEA and its member companies strive to help parents protect their children from programming that parents find inappropriate, as well as from the other risks attendant to increased digital media usage. As CEA explained in the CSVA proceeding, although the V-chip is a popular term to describe the general category of parental controls, V-chip technology for over-the-air digital television sets is but one option in the universe of parental control technologies. In addition to the V-chip, numerous innovative consumer electronics product features and services enable parents to structure their

⁴ *NOI* at ¶ 1.

⁵ *Id.* at ¶ 3 (The Commission highlights a number of risks to children including exposure to exploitative advertisements, offensive language, sexually explicit materials, bullying scams and even child predators. In addition, children may face risks of sharing private information that could be embarrassing or cause them harm.).

⁶ CEA notes that the Commission has stated its intent to incorporate filings in the CSVA proceeding into the record in the instant proceeding. *See id.* at ¶ 10; *see also* Comments of the Consumer Electronics Association, MB Docket No. 09-26 (filed Apr. 18, 2009) (“CEA CSVA Comments”); Reply Comments of the Consumer Electronics Association, MB Docket No. 09-26 (filed May 18, 2009) (“CEA CSVA Reply Comments”).

children’s video programming viewing. Indeed, as more and more Americans pursue digital entertainment through an ever-widening variety of media, including MVPD platforms, the relative importance of the V-chip technology itself diminishes. Accordingly, data surrounding the level of V-chip usage and awareness needs to be evaluated in the context of an ever-increasing variety of parental control technologies available on diverse media platforms. For the small number of Americans who rely on over-the-air television, the V-chip continues to be an effective and dynamic tool.

Although the V-chip has proven adaptable as necessary over time, when considering calls to further modify the V-chip, it is necessary to understand the fundamental limitations of the technology. For example, the V-chip standard has evolved to support a flexible, downloadable rating system in the digital version of the V-chip. However, although “white listing” or similar tools may be beneficial to consumers in connection with other parental control technologies, creation of any such programming list is fundamentally incompatible with the underlying blocking technology of the V-chip, even in its most evolved form.

Consumers, including parents, have benefited from the proliferation of platforms and devices that provide digital media including video programming. As the Commission has acknowledged, “electronic media offer children today avenues for education that their parents could never have envisioned.”⁷ And tomorrow’s technologies offer the potential for similar advances that are unthinkable today. CEA looks forward to continuing to work with the Commission and other stakeholders to ensure that America’s families reap the benefits of digital media usage while minimizing any real or perceived risks.

⁷ *NOI* at ¶ 2.

I. THE PARENTAL CONTROL ECOSYSTEM IS VIBRANT AND RESPONSIVE TO PARENTAL NEEDS

Today, video is being delivered in new and different ways (including on demand, mobile viewing, and time-shifted viewing) than just a few years ago. In fact, the recent Kaiser Study found that the amount of time that young people spend watching regularly scheduled programming on a television set at the time of its original broadcast has declined, while there has been an increase in the amount of average daily TV consumption due to the proliferation of new ways to view content.⁸

Alongside the evolution of new video-delivery platforms, the market has provided an ever-increasing array of parental control tools and technologies. A snapshot of the parental control marketplace reveals the numerous products and services that are available and demonstrates that innovation is occurring across this ecosystem. As CEA described in detail in its comments in the CSVA proceeding, the following types of parental control tools are available:

- Built-in TV Functionality (child locks, channel and time limitations)
- Third Party Independent Ratings Information
- V-chip
- Time Management Technologies
- DVDs, DVRs, VCRs, TiVo KidZone™
- Video Game Ratings⁹

⁸ Kaiser Study at 3.

⁹ CEA CSVA Comments at 11-13; CEA CSVA Reply Comments at 4-5.

In addition, for the vast majority of households that subscribe to pay television service, their MVPD provider will often offer separate parental empowerment tools that include some or all of the following:

- Family Packages
- Independent Ratings
- Channel and Program Blocking
- DVR and On Demand Services
- Advanced Programming Guides¹⁰

The Commission acknowledged this “wide array of parental control technologies for television, including tools offered by MVPDs, as well as VCRs, DVD players and digital video recorders” in its Child Safe Viewing Act Report (“CSVA Report”).¹¹ The CSVA Report also highlighted a number of additional parental empowerment technologies and recognized that the next generation of tools, like TV Firewall, is being developed.¹²

Thus, the CSVA Report demonstrated that, even without regulatory mandates, a wide variety of tools are available to help parents exercise control over their children’s media consumption. These tools can be tailored to the needs of individual parents and families to reflect their media tastes and values.

Just as significantly, parents often choose to rely on household media rules or other practices in order to supervise and restrict their children’s viewing. The CSVA Report cited a series of studies that show that the majority of parents closely monitor their children’s media use,

¹⁰ CEA CSVA Comments at 8-10; CEA CSVA Reply Comments at 3-4.

¹¹ *Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming*, Report, 24 FCC Rcd 11413 ¶ 10 (2009) (“CSVA Report”).

¹² *Id.* at ¶¶ 64-84.

including what they watch on television.¹³ Indeed, household media rules play an important part in the determination of children’s media diet nationwide. From controlling what their children watch by being present in the room to establishing time, channel and other limits for viewing, parents often choose to set their own rules for media consumption.¹⁴

II. DATA SURROUNDING V-CHIP AWARENESS AND USAGE NEED TO BE UNDERSTOOD IN CONTEXT

In the *NOI*, the Commission solicits input on the level of consumer awareness of parental control technologies and asks for suggestions on possible steps to promote awareness.¹⁵ The Commission is right to tread carefully by evaluating the relevant data before assuming that any regulatory intervention, particularly with respect to the V-chip and over-the-air broadcast television, is warranted.

CEA is unaware of any available data source that provides awareness or usage statistics beyond those cited by the FCC. Before assuming that more data or action is necessary, however, it may be useful to place existing data in proper context. For numerous reasons, citing the percentage of TV households that are aware of or use the V-chip is insufficient to gauge its effectiveness. As CEA and others have previously noted, the V-chip is an effective tool for those

¹³ CSVA Report at ¶ 21 (stating that “65 percent of parents surveyed said they ‘closely’ monitor their children’s media use”) (citing Parents, Children & Media: A Kaiser Family Foundation Survey (June 2007); *id.* at ¶ 22 (“The June 2007 Luntz Maslansky Research/Hart Research Survey commissioned by TV Watch found that 73 percent of parents monitored what their children watch on television.”) (citing Luntz Maslansky Strategic Research and Hart Research, *TV Watch Survey of Parents Topline*, June 2007).

¹⁴ The CSVA Report cites one survey that found that 63 percent of parents surveyed watch television with their children. *See* CSVA Report at ¶ 22 (citing Russell Research, *Survey: Parents Combine Old-Fashioned TV Rules and Latest Blocking Technologies to Manage Kids’ TV* (Nov. 28, 2005).

¹⁵ *NOI* at ¶ 45-46.

who use it, but the relevant category of potential users is a small subset of the population as a whole.¹⁶ The overwhelming majority of television viewers – an estimated 90 percent – receive their television programming from cable and satellite providers who offer their own platform-specific technologies that generally are more comprehensive and interactive than the V-chip.¹⁷

Meanwhile, only a small subset of the remaining over-the-air and analog cable viewers would have any reason to utilize the V-chip. First, as of 2008, approximately 30 percent of American households had children under the age of 18 in residence.¹⁸ Among these households, the V-chip is likely to be of most interest only to those that have children old enough to watch television on their own, and who do not rely on household media rules, time-channeling or other control mechanisms.¹⁹ The Progress & Freedom Foundation has suggested that the potential need for parental controls is most pronounced in those households with children from 7 to 16 years of age.²⁰ In those households with children younger than age 7, parents may exercise greater control over their children’s media exposure. On the opposite end of the spectrum, as children mature in their teenage years, parents may trust or incent their teens to make appropriate

¹⁶ See CEA CSVA Reply Comments at 6-7; Comments of the Progress & Freedom Foundation, MB Docket No. 09-26, at 8-16 (filed Apr. 16, 2009) (“PFF CSVA Comments”).

¹⁷ In the CSVA Report, the Commission noted that approximately 89 percent of TV households subscribe to an MVPD service. See CSVA Report at ¶ 56. Meanwhile, an August 2009 study conducted by CEA found that only 9% of households are antenna-only.

¹⁸ See U.S. Census Bureau, 2010 Statistical Abstract, Table 59. Households, Families, Subfamilies, and Married Couples: 1980 to 2008, available at <http://www.census.gov/prod/2009pubs/10statab/pop.pdf>; see also PFF CSVA Comments at 9-10 (citing 32% of households based on 2007 Census data).

¹⁹ Of course, even for parents who do not employ the V-chip, the TV Parental Guidelines may still be useful to help structure their children’s viewing. See Comments of National Association of Broadcasters, National Cable & Telecommunications Association and Motion Pictures Association of America, MB Docket No. 09-26, at 2 (filed Apr. 16, 2009) (“[A] majority of parents report using the Guidelines to monitor their children’s exposure to programming they deem inappropriate.”) (“Joint CSVA Comments”).

²⁰ PFF CSVA Comments at 14.

media decisions on their own.²¹ Thus, V-chip awareness and usage data should be measured against this relevant population of potential users for the V-chip, rather than against the population of all television households. Of course, for all households with parents that do seek to utilize a blocking technology, the V-chip remains an effective and powerful tool. Indeed, the CSVA Report found that “[t]he limited number of parents who have used the V-chip find it beneficial.”²²

CEA appreciates the industry’s role in ensuring that parents are aware of the tools that are available to protect their children from inappropriate content. To that end, CEA and its member companies have taken a leading role in promoting V-chip awareness. For example, in partnership with the broadcast, content and cable industries, CEA helped to launch the TV Boss campaign. This campaign featured public service announcements, print advertisements and a website, TheTVBoss.org, where parents can learn more about blocking controls and household media rules. The campaign yielded over \$340 million in donated media and, through January 2009, the TVBoss.org website received over 1 million sessions and over 3 million page views.²³ Information related to the V-chip is also widely available from other Internet resources, including CEA’s website, and in equipment instruction manuals.²⁴

III. THE V-CHIP IS EASY TO USE

Parents who have used the V-chip find it beneficial because the V-chip is an easy-to-use tool with intuitive functionality that enables parents to block programming that they do not want

²¹ *Id.* at 12.

²² CSVA Report at ¶ 18.

²³ *See* Joint CSVA Comments at 12-13.

²⁴ *See, e.g.*, Consumer Electronics Association, V-Chip Technology, <http://www.ce.org/AboutCEA/CEAInitiatives/3532.asp> (last visited Feb. 17, 2010).

their children to watch. Much television programming, including all broadcast television programming, has been rated to help parents determine the suitability of programming for their family.²⁵ This rating information is carried as part of the program stream. Parents can access the V-chip through their television's on-screen menu options. From there, parents are asked to designate a PIN code, which will act as a password to let them alter their V-chip settings. Parents can then select the ratings guidelines appropriate to their household and activate the V-chip.

Once the V-chip has been enabled, blocking will occur when a program is received that bears a rating that fits the user's pre-determined parameters. For instance, if a user wishes to block programming containing coarse or crude language (demarcated by the TV Parental Guidelines with an "L" symbol), the user can enable the V-chip to block programs with an "L" designation. In turn, programs with the "L" rating will be blocked when the V-chip is engaged.

In the *NOI*, the Commission asks for comment on various proposals to increase the ease-of-use and awareness of the V-chip.²⁶ The Commission should be cautious in relation to calls to mandate changes that allegedly promote ease of V-chip use.²⁷ Additional mandates will be costly and could have the unintended result of increasing consumer confusion. There is also little need for such regulatory mandates where nothing stands in the way of the development of these features should the market support it.

²⁵ See CEA CSVA Comments at 16-17. Currently television programming is voluntarily rated according to the TV Parental Guidelines.

²⁶ *NOI* at ¶ 45, n. 85.

²⁷ See CEA CSVA Reply Comments at 7-11.

IV. THE V-CHIP IS A DYNAMIC PARENTAL EMPOWERMENT TOOL

In the *NOI*, the Commission solicits input concerning the capabilities of the V-chip and asks whether further investment in the V-chip is warranted.²⁸ The V-chip has long stood out as an innovative technology, and the digital V-chip standard has been designed to evolve further by providing for a downloadable V-chip that can support multiple ratings schemes.

Specifically, the V-chip currently has the capability and potential to promote a positive consumer experience through multiple ratings schemes, though further standards setting work will be required to fully realize this potential. As CEA described in its comments in the CSVA proceeding, U.S. television receivers currently being manufactured have the capability of receiving information broadcast over the air that can be used to generate multiple new ratings schemes.²⁹ These new ratings schemes can be embedded in the Rating Region Table (“0x05” or “RRT 5”) that is identified in the current version of the V-chip standard, ANSI/CEA-766-C. In other words, the downloadable V-chip, which can support the coexistence of multiple, alternative ratings schemes, is currently embodied in RRT 5 of the V-chip standard. Before a new ratings scheme is offered by a third party, however, the ratings parameters for RRT 5 need to be defined. To this end, CEA has long welcomed interested parties to become involved with CEA standards setting activities as a necessary first step. Coordination regarding the parameters for RRT 5 is essential to set the rules of the road for all actors in the television ecosystem including program creators, broadcasters and television receiver manufacturers. This coordination comes through

²⁸ *NOI* at ¶ 49.

²⁹ *See* CEA CSVA Comments at 18-21; CEA CSVA Reply Comments at 12-13.

standards setting organizations like ATSC, which maps RRTs to countries, and CEA, which is responsible for the standard for the U.S. content rating system.³⁰

Although the V-chip has proven to be dynamic, proposed wholesale changes to the V-chip's architecture or performance are fundamentally at odds with the V-chip's limited blocking purpose and design. V-chip technology enables a receiver to recognize a rating carried in a programming stream *at the moment the program is delivered* and to take blocking action based on such rating. Thus, for example, this technology cannot incorporate a functionality that would affirmatively select multiple programs with a particular rating. Accordingly, even if the V-chip were expanded to accommodate an Educational/Informational ("E/I") designation in the rating field, it could not be used to create a "white list" of desirable programming.

Finally, since the V-chip was introduced, considerable resources have been dedicated to its implementation and consumer education. Although the V-chip may not have some of the advanced functionalities of other non-mandated blocking technologies it remains an effective tool for those who use it. At the same time, a wide range of alternative blocking technologies is available to television consumers irrespective of their viewing platform. Rather than promoting this innovative marketplace, additional regulation in the form of fundamental changes to the V-chip or other blocking technology mandates could instead result in reduced competition and choice for American consumers.

³⁰ See CEA CSVA Comments at 18-20.

V. CONCLUSION

As children increase their usage of digital media, the consumer electronics industry remains committed to providing a marketplace of robust parental controls to ensure that parents and their children have the education and tools necessary to successfully navigate in this landscape.

Respectfully submitted,

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