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FILED ELECTRONICALLY

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

RE: Ensuring Parents Have the Option of Using Advanced Foul Language Filtering Technology to Protect their Children from Profanity and Racial Slurs across a Wide Range of Media, including Television, Cable and Satellite, Wireless Devices, Non-Networked Devices, and to the Extent Practicable, the Internet.

Dear Ms. Dortch:

Many Americans are greatly disturbed by the profanity and racial slurs that appear all-too-often on television shows and movies they watch at home, and countless parents very much wish to avoid having their children subjected to foul language. Yet, such profanity often comes “out of the blue” on shows and movies so that parents are not prepared for it. Moreover, in many instances the foul language is included in programming that would otherwise be very entertaining to parents and their children, and that they want to watch were it not for the objectionable language.

Advanced foul language filtering technology can solve this ever-growing problem by allowing parents to have the option of having the profanity and racial slurs removed and replaced by non-objectionable language. With such technology, families get the best of both worlds – they can watch the programming they enjoy, without the language they strongly dislike and believe corrupts their children. Advanced foul language filtering technology works by reading the closed captioning already embedded and required by law in most forms of television entertainment. When the software encounters a word that the viewer has deemed as objectionable, that captioned phrase is muted and a non-offensive replacement word or phrase is displayed in closed captioning on the screen for all to see.

The American Family Association (the “AFA”), which has over 2 million members, and TVGuardian, which has a patent on advanced foul language filtering technology, will soon be filing a petition for rulemaking in an effort to ensure that parents have the option of using advanced foul language filtering technology to protect their children from profanity and racial slurs across a wide range of media. Because that petition has yet to be filed, let alone granted, the AFA and TVGuardian strongly believe that in the interim the Commission should take the

following action. In the notice of inquiry on children's programming matters that the Commission has announced it will soon release, the Commission should:

- State that 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.
- Seek comment on how the Commission can ensure 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. In raising this issue, the Commission should inquire as to whether a mandate is necessary, and, if so, what should be the terms of the mandate, and what conditions if any should be placed on such a mandate.

In support of this request, the AFA and TVGuardian state as follows:

1. Chairman Genachowski has stated that he "cannot think of a more critical topic for the Commission to be considering right now than how to ensure that our children are protected from inappropriate content. Government has a vital role to play in helping parents and protecting children"¹ He is absolutely correct.
2. Congress expressly asked the Commission, in preparing the Commission's report to Congress on parental controls, to address advanced blocking technologies that, among other things, can filter language based upon information in closed captioning. Accordingly, Congress recognizes the importance of advanced foul language filtering technology as well.²
3. Foul language on television and in other media is a tremendous and ever-growing problem. Most Americans believe there is too much foul language on television, and approximately 70% of parents with young children are offended by the foul language on television.³ In fact, more people are offended by foul language on television than by sex, nudity, violence or depictions of drug usage.⁴
4. The v-chip alone is not the answer to this problem because there are many otherwise terrific shows and movies that parents want to watch with their children were it not for the foul language. The v-chip, while it serves an important

¹ Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming, MB Docket No. 09-26, Statement of Chairman Julius Genachowski.

² See Child Safe Viewing Act at Section 2(b).

³ TVGuardian's Reply Comments, MB Docket No. 09-26, Attachment 4.

⁴ Time Magazine, March 28, 2005, "Has TV Gone Too Far?"

purpose, is an all-or-nothing solution, and does not allow parents to watch with their children the shows they enjoy without the language they dislike, and that they believe corrupts their children.

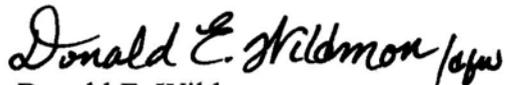
5. Not surprisingly, many Americans who watch television or movies in their homes do not want to hear profanity or racial slurs, or have their children subjected to it.
6. There have been over 10,000 testimonials, more than 10,000 requests to providers, and nearly 10,000 comments to the Commission regarding the demand for advanced foul language filtering technology.
7. Advanced foul language filtering technology was available to families prior to the digital transition, but, as a result of the transition, is generally no longer available. Prior to the digital transition, more than 10 million Americans used advanced foul language filtering technology.
8. The Commission recognizes the critical importance of protecting children, and for its actions to match its words it must ensure that we do not take a step backwards here, which will occur if consumers no longer have access to advanced foul language filtering technology if they want it.
9. Some providers claim we should leave the consumers without this option because otherwise the Commission will be selecting winners and losers. These providers are wrong. Unless the Commission acts, the primary loser here will be the public.
10. American children, and their parents, are dependent upon the Commission to ensure that they have access to advanced foul language filtering technology since no provider has acted voluntarily in this regard. The question for the Commission is simple – will it do what it takes to ensure that such occurs? Hopefully, for millions and millions of parents, and even more importantly their children, the answer is yes.

Accordingly, for the reasons set forth above, in the notice of inquiry the Commission should both (i) state that the public interest strongly favors ensuring that all Americans have access to advanced foul language filtering technology across a wide range of media; and (ii) seek comment on how the Commission can ensure that all Americans have access to advanced foul language filtering technology across a wide range of media.

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The AFA and TVGuardian are extremely pleased that the Commission, under the leadership of Chairman Genachowski, recognizes the critical importance of protecting American children from objectionable content on various forms of media, and the AFA and TVGuardian wish to help in the effort to ensure that such a goal becomes a reality.

Respectfully submitted,



Donald E. Wildmon
Founder and Chairman
American Family Association



Alan G. Fishel
Attorney for TVGuardian, LLC

cc: Chairman Julius Genachowski
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Commissioner Robert M. McDowell
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