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February 24, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, NW
Washington, DC 20554

Re: MB Docket No. 09-194

Dear Ms. Dortch:

The broad area of online child safety is a vitally important topic in our society, and we appreciate the opportunity to submit comments in this proceeding. There are however, significant constitutional and other constraints on the ability of the FCC to regulate content on the Internet, and thus many of the questions in the Notice of Inquiry go outside of the areas in which the Commission can act.

We addressed these constraints, as well as a range of other issues raised by this NOI, in the two sets of comments that we filed with the Commission in the Child Safe Viewing Act proceeding. Because those comments have been incorporated into the record of this proceeding, we will not repeat the main points made in those comments. We urge the Commission to closely consider both CDT's individual comments as well as a joint set of comments that CDT submitted on behave of a broad coalition of industry and public interest groups.[1]

Because a great deal was already said in the prior proceeding, we will delay extensive comments until the reply round, to allow us to focus attention on the specific issues and comments raised in the initial round of comments.

We look forward to working with Commission as this proceeding progresses.

Sincerely,

/s/

John B. Morris, Jr.
General Counsel, CDT

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[1] *See* "Joint Comments of Industry and Public Interest Groups," as well as the "Individual Comments of the Center for Democracy & Technology, In the Matter of Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming, MB Docket No. 09-26, April 15, 2009 (available at http://cdt.org/speech/20090416_fcc_joint_comments.pdf and http://cdt.org/speech/20090416_fcc_comments.pdf).

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