FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-48; FCC 95-143]

Broadcast Services; Children's Television

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: This Notice proposes a number of changes to the Commission's rules regarding the broadcast of television programming that serves the educational and information needs of children, in order to implement the Children's Television Act of 1990 (CTA) more effectively. First, the Commission proposes to require broadcasters to identify, on the air and in materials provided to publishers of broadcast schedules, programming "specifically designed" to educate and inform children. The Commission also seeks comment on ways to improve the quality of, and public access to, the information broadcasters make available regarding their efforts in providing children's educational and informational programming. Second, the Commission proposes to clarify its definition of "educational and informational programming" by adopting a definition of "core" programming. The Commission also seeks comment on which of three alternative options for further action should be implemented:

Commission monitoring of the amount of educational and informational programming on the air during a specified period following adoption of measures to improve the flow of programming information to the public and a clarified definition; adoption of a safe harbor processing guideline specifying an amount of core programming that would satisfy the CTA; and adoption of a programming standard requiring that every station be responsible for the airing of a minimum amount of core programming in its market. The Commission also invites comment on possible new license renewal procedures and program sponsorship rules allowing licensees the option of meeting their programming obligation under the CTA in part by sponsoring core programming on other stations in their market. This action is taken to ensure that the educational and informational needs of children are satisfied and thus that broadcasters comply with the CTA.

DATES: Comments are due by June 16, 1995, and reply comments are due by July 17, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Diane Conley, Mass Media Bureau, (202) 776–1653.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making (NPRM) in MM Docket No. 93–48, FCC 95–143, adopted April 5, 1995, and released April 7, 1995. The complete text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Synopsis of Notice of Proposed Rule Making

1. Through this NPRM, the Commission seeks comment on several proposals aimed at providing licensees with clear, simple, and fair guidance regarding their children's programming obligation, to facilitate compliance with the Children's Television Act of 1990 (CTA or Act). The CTA was enacted to 'increase the amount of educational and informational broadcast television programming for children." 1 In response to this mandate, the Commission earlier adopted a Report and Order in MM Dockets 90-570 and 83-670 (56 FR 19611, April 29, 1991) and a Memorandum Opinion and Order in the same proceeding (56 FR 42707, August 29, 1991), establishing rules which implemented the CTA.

2. The ĈTA imposes an affirmative obligation on broadcast television stations to serve the educational and informational needs of children through not only their "overall programming," but also programming "specifically designed" to serve children's needs. The Act requires the Commission, in evaluating its licensees' license renewal applications, to determine whether stations have met this obligation. The CTA also authorizes the Commission, as part of its license renewal review process, to consider any special nonbroadcast efforts by the licensee that enhance the educational and

information value of programming to children, and any special efforts by the licensee to produce or support programming specifically designed to serve the educational and informational needs of children that is broadcast by another station in the licensee's market. Our current rules generally incorporate the language of the statute and also define educational and informational programming as "programming that furthers the positive development of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/ emotional needs." 2 In addition, we require broadcasters to air some amount of standard-length educational and informational programming specifically designed for children 16 years of age and under. The Commission has adopted no other guidelines regarding the types of programming that may contribute to satisfying a station's renewal review requirement, and our rules contain no requirement as to the number of hours of educational and informational programming that stations must broadcast or the time of day during which such programming may be aired.

3. After developing some experience with the CTA, including the review of more than 320 television license renewals, the Commission issued a Notice of Inquiry (NOI) initiating this proceeding (58 FR 14367, March 17, 1993) to examine whether its children's television rules should be revised. After careful consideration of the studies, comments, and other information regarding the availability of educational broadcast programming provided in response to the NOI and in connection with the FCC's en banc hearing on children's television held on June 28, 1994 (59 FR 22814, May 3, 1994), the Commission finds that this evidence is insufficient to support a conclusion as to whether or not the educational and informational needs of children are being met, including whether the CTA and our existing regulations have precipitated a significant increase in the amount of children's educational and informational programming carried by commercial broadcasters. In particular, none of the studies submitted enables us to determine accurately what amount of programming specifically designed to educate and inform children is currently being aired by commercial stations.

4. Even if the Commission accepts the conclusion drawn by some parties that the amount of educational programming on the air has increased since implementation of our rules, the degree of that increase appears to be quite

¹ Children's Television Act of 1989, Senate Committee on Commerce, Science, and Transportation, S. Rep. No. 227, 101st Cong., 1st Sess. 1, 9 (1989) ("Senate Report").

The other provisions of the CTA, those intended to protect children from over commercialization of programming, are not at issue in this proceeding.

² 47 C.F.R. 73.671 Note.