



PUBLIC NOTICE

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MEDIA BUREAU ANNOUNCES EFFECTIVE DATE OF REMAINING KIDVID RULES, AVAILABILITY AND EXTENSION OF TIME TO FILE THE REVISED CHILDREN'S TELEVISION PROGRAMMING REPORT IN LMS, AND GUIDANCE CONCERNING THE FILING OF FINAL QUARTERLY COMMERCIAL LIMITS CERTIFICATIONS

MB Docket Nos. 18-202 and 17-105

On July 12, 2019, the Commission released a *Report and Order* modernizing the children's television programming rules to give broadcasters greater flexibility in serving the educational and informational needs of children.¹ By Public Notice dated September 3, 2019, the Media Bureau (Bureau) announced that the revised children's programming rules were to become effective September 16, 2019, except for those rules containing new or modified information collection requirements that required review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.²

The *Report and Order* provided that the rule revisions requiring OMB approval would take effect 30 days after the Commission published a notice in the *Federal Register* announcing such approval. On December 20, 2019, a notice was published in the *Federal Register* announcing OMB approval of the modified information collection requirements contained in rule sections 73.671(c)(5) (on-air "E/I" notification requirement),³ 73.671(c)(7) (program guides), 73.671(e)(1)-(2) (preemptions), 73.673 (program guides), 73.3526(e)(11)(ii) (recordkeeping requirements for commercial limits), and 73.3526(e)(11)(iii) (reporting and public file requirements).⁴ Accordingly, these rules will become effective on January 21, 2020.⁵

Under the revised reporting rule, the Children's Television Programming Report (Report) on FCC Form 2100, Schedule H is required to be filed on an annual basis by the 30th day of the succeeding

¹ *Children's Television Programming Rules; Modernization of Media Regulation Initiative*, MB Docket Nos. 18-202 and 17-105, Report and Order, 34 FCC Rcd 5822 (2019) (*Report and Order*).

² *Media Bureau Announces Effective Date and Provides Guidance on Transition Procedures for KidVid Reporting and Compliance with Revised Safe Harbor Processing Guidelines*, MB Docket Nos. 18-202, 17-105, Public Notice, 34 FCC Rcd 7878 (MB 2019) (*KidVid Transition PN*). Sections 73.671(c)(2), 73.671(c)(3), 73.671(c)(4), 73.671(d), and 73.671(e)(3) became effective on September 16, 2019. See 84 Fed. Reg. 41917 (Aug. 16, 2019).

³ We remind commercial television broadcasters and all Class A TV stations (including Class A TV stations that solely air non-commercial programming) that the requirement to display the E/I symbol throughout Core Programming remains unchanged. The modification to the E/I symbol requirement adopted in the *Report and Order* applies only to full power non-commercial and educational stations.

⁴ See 84 Fed. Reg. 70037 (Dec. 20, 2019).

⁵ *Id.*

calendar year. Because the reporting rule will not be in effect until January 21, 2020, and in order to provide broadcasters with an opportunity to familiarize themselves with the revised Report, we extend the filing deadline for the first annual Report to March 30, 2020. This Report must cover the period from September 16, 2019, through December 31, 2019.⁶ The Commission has received OMB approval for the revisions to FCC Form 2100, Schedule H. Licensees will be permitted to start populating and filing Reports in the Commission's Licensing and Management System (LMS) by January 30, 2020.

The Bureau will hold a webinar on Thursday, January 23, 2020, from 1:30 pm to 2:30 pm to review the functionality of, and changes to, the Report. Additional details concerning the webinar will be provided in a separate Public Notice.

We also clarify that because the revisions to section 73.3526(e)(11)(ii) (and the corresponding requirements for cable operators and satellite providers) will not take effect until January 21, 2020, the final quarterly certification of compliance with the commercial limits in children's television programming must be placed by broadcasters, cable operators, and DBS providers in their online public inspection files by January 10, 2020, as required by the current commercial limit certification rule.⁷ This certification should cover the period from October 1, 2019, through December 31, 2019.⁸

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For all legal matters, please contact Kathy Berthot, Policy Division, Media Bureau, 202-418-2120 or by e-mail at Kathy.Berthot@fcc.gov, or Evan Morris, Legal Advisor, Media Bureau at 202-418-1656 or by e-mail at Evan.Morris@fcc.gov. For LMS filing related issues, please contact Kevin Harding, Video Division, Media Bureau at 202-418-7077 or by e-mail at Kevin.Harding@fcc.gov.

This action is taken by the Chief, Media Bureau, pursuant to authority delegated by sections 0.61 and 0.283 of the Commission's rules.⁹

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⁶ Broadcasters were required to report on their third quarter 2019 Report all children's television programming aired from July 1, 2019, through September 15, 2019. *KidVid Transition PN*, 34 FCC Rcd at 7879. The Bureau stated that any children's television programming aired on or after September 16, 2019, through December 31, 2019, would be reported by commercial and Class A television stations on a broadcaster's first annual Report. *Id.* at 7880.

⁷ 47 CFR § 73.3526(e)(11)(ii). *See also Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992, Direct Broadcast Satellite Public Interest Obligations*, MM Docket No. 93-25, Second Order on Reconsideration of First Report and Order, 19 FCC Rcd 5647, 5668, para. 48 (2004) ("[W]e will require DBS providers to comply with the rules regarding commercial limits on children's programming that apply to cable operators."); *Policies and Rules Concerning Children's Television Programming*, MM Docket No. 90-570, Memorandum Opinion and Order, 6 FCC Rcd 5093, 5097, para. 23 (1991) (clarifying that commercial records should be placed in the station or cable system's public file no later than the tenth day of the quarter following the quarter in which they aired).

⁸ The *Report and Order* makes the certification of compliance with the commercial limits an annual requirement and provides broadcasters, cable operators, and DBS providers 30 days after the end of the calendar year to post the certification to their public files. *Report and Order*, 34 FCC Rcd at 5863-62, paras. 70-71. The first annual certification of compliance with the commercial limits will be filed in 2021, covering the period January 1, 2020 through December 31, 2020.

⁹ 47 CFR §§ 0.61 and 0.283.