



PUBLIC NOTICE

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FULL POWER AND CLASS A TELEVISION STATIONS RECEIVE FLEXIBILITY REGARDING CHILDREN'S TELEVISION PROGRAMMING PREEMPTIONS IN LIGHT OF THE NOVEL CORONAVIRUS (COVID-19) OUTBREAK

Media Bureau Provides Limited, Temporary Waiver Regarding Preempted Children's Television Programming During the COVID-19 Outbreak

We recognize that as a result of the outbreak of the respiratory illness caused by a novel coronavirus (COVID-19), broadcast television stations may seek to broadcast live or tape delayed community events in order to encourage compliance with the U.S. Centers for Disease Control and Prevention (CDC) COVID-19 guidance¹ to limit gatherings and promote social distancing, and by doing so, advance the public interest. Many of these community events, such as religious services, occur on weekends and may conflict with and require the preemption of weekly, regularly scheduled children's programming. Under the Commission's rules, full power and Class A television stations are required to reschedule any preempted weekly, regularly scheduled children's programming within seven days before or seven days after the preemption in order for the originally scheduled children's program to count towards the Commission's annual children's television programming processing guidelines.² The Commission's rules exempt from this rescheduling requirement preemptions for breaking news³ or non-regularly scheduled, live locally produced programming.⁴

Given that the President has declared a national emergency as a result of the COVID-19 pandemic,⁵ and the public interest in promoting local, state, and federal government efforts to slow the spread of the COVID-19 virus, we grant full power and Class A television stations a limited waiver of the Commission's children's television programming preemption rescheduling rule through **April 30, 2020**.⁶

¹ United States Centers for Disease Control and Prevention, COVID-19 Guidance Documents, <https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc> (last visited Apr. 7, 2020).

² 47 CFR § 73.671(e)(1)-(2).

³ *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, 5855, n.206 (2019) (preserving the "breaking news" exemption for preempted children's television programming).

⁴ 47 CFR § 73.671(e)(3).

⁵ See <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

⁶ In waiving a requirement for good cause, the Commission must (1) explain why deviating from the general requirement serves the public interest, and (2) explain the nature of the special circumstances. See 47 CFR § 1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972).

Specifically, we will not require stations to reschedule preempted children's programming that is not otherwise exempt from the rescheduling requirement if the purpose of the preemption is to encourage compliance with the CDC's COVID-19 guidance and government efforts to limit gatherings and promote social distancing by broadcasting live or same-day tape delayed locally produced community events, including religious services.⁷ While we encourage stations to attempt to reschedule the preempted programming when they are able to do so, the preempted programming is not required to be rescheduled in order to have the preempted weekly, regularly scheduled program count towards compliance with the Commission's annual children's television programming processing guidelines. Stations are still required to provide on-air notices to viewers of the preemption as required by section 73.671(e)(1) and (2) of the Commission's rules.⁸ Because stations are not required to reschedule the program, we also waive the requirement that stations must include in their on-air preemption announcements the alternate date and time when the preempted program will air.⁹ If stations do choose to reschedule the preempted program, we encourage them to inform viewers through reasonable means (e.g., website, social media, on-air announcements) when the preempted program will be aired.

We will continue to monitor the situation and review the terms of this limited waiver as circumstances warrant. We note that this waiver is limited in duration (through April 30, 2020) and scope. Stations must maintain proper records of the preemptions and will be required to report any preemptions on their annual Children's Television Programming Reports (FCC Form 2100, Schedule H) for programming aired in calendar year 2020.¹⁰

The Commission recognizes that broadcasters play an essential role in helping Americans stay safe and informed during the COVID-19 outbreak. The Commission will continue to work with broadcasters to help them address operational challenges during this difficult time. For more information on the FCC's actions related to the coronavirus pandemic, visit: <https://www.fcc.gov/coronavirus>.

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.¹¹

For additional information or questions, please contact the Media Bureau's Video Division at KidVidForm@fcc.gov, or Evan Morris, Legal Advisor, Media Bureau at Evan.Morris@fcc.gov, or (202) 418-1656. Press inquiries should be directed to Janice Wise, Janice.Wise@fcc.gov or (202) 418-8165.

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⁷ The program need not be "locally produced" by the station itself, as is the requirement under the non-regularly scheduled, live locally produced programming exemption.

⁸ 47 CFR § 73.671(e)(1) and (2).

⁹ *Id.*

¹⁰ Stations' annual Children's Television Programming Reports for programming aired in calendar year 2020 must be filed by February 1, 2021. We note that stations' annual Children's Television Programming Report for calendar year 2019 are now due by July 10, 2020. See *Media Bureau Announces Extension of Time for Broadcasters to File Children's Programming Reports and Quarterly Issues Programs Lists*, Public Notice, DA 20-353 (Mar. 27, 2020).

¹¹ 47 CFR §§ 0.61 and 0.283.