

In the Matter of Extension of the Filing Requirement for Children’s Television Programming Reports (FCC Form 398), MM Docket No. 00-44.

Dissenting Statement of Commissioner Harold W. Furchtgott-Roth

I dissent from this Report and Order (“R&O”) on the extension of the filing requirement for children’s television programming reports, and also from the Further Notice of Proposed Rulemaking (“FNPRM”) on mandatory web posting of the reports by broadcasters.

As for the changes to the rule regarding Form 398, I have several areas of disagreement. First, I would not make permanent the filing requirement.¹ At the Notice stage of this proceeding, I expressed my view that the record revealed scant evidence that these reports accomplish the Commission’s asserted goals, including helping parents plan their children’s television viewing.² I see no more documentation now of the actual utility of these reports than I did then. Second, given my skepticism regarding the actual need for these reports, I would not increase the procedural burden on broadcasters by requiring them to file the reports on a quarterly, as opposed to annual, basis.³ Third and

¹ *See supra* at paras. 9-11.

² *See* Joint Concurring Statement of Commissioners Harold Furchtgott-Roth and Michael Powell, *Notice of Proposed Rulemaking, In the Matter of Extension of the Filing Requirement for Children’s Television Programming Reports (FCC Form 398)*, MM Docket No. 00-44, 15 FCC Rcd. 6326 (2000) (“We are not prepared to conclude, without the benefit of further comment, that the filing of these reports necessarily accomplishes the goals for which they were intended.”).

³ *See supra* at paras. 12-16.

finally, I would not increase the substantive burden on broadcasters by asking them to provide more information in the form than they do now.⁴

In sum, these forms are of little real-world utility to start with. Requiring broadcasters to fill out a still longer form and file them even more frequently accomplishes little more than imposing increased costs on broadcasters without any proof of the creation of corresponding benefits.

With respect to the question of mandatory web posting of the reports, as raised in the FNPRM,⁵ such a requirement is wholly unnecessary. The FCC web site *already* provides these reports. It is an inefficient use of broadcaster resources – particularly those of small broadcasters who may not have their own web sites but will be forced to create them in order to satisfy the proposed rule – to post the reports in a duplicative format or to require them to provide a link to the FCC site.

For the foregoing reasons, I respectfully dissent from this R&O and FNPRM.

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⁴ See *supra* at paras. 17-24.

⁵ See *supra* at paras. 25-27.