

# United States Senate

WASHINGTON, DC 20510

June 29, 2018

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Federal Communications Commission  
445 12th St. SW  
Washington, DC 20554

Dear Commissioners,

We write in response to the Federal Communication Commission's (FCC) Notice of Proposed Rulemaking (NPRM) regarding the children's television programming rules ("Kid Vid"). The "Kid Vid" rules ensure that children around the country, including low income children whose families may be unable to afford pay-TV and online streaming options, have access to quality educational content. Any proposed revisions to these rules must be informed by research and data to clearly demonstrate that such changes to the "Kid Vid" rules will not hamper American children's ability to view the educational content they need. Yet the Commission's recent proposed rulemaking on "Kid Vid" lacks this needed information and instead tentatively concludes that several key "Kid Vid" provisions should be revised or eliminated. Rather than moving in haste to revise rules that benefit an unknown number of children nationwide, we urge the Commission to act more thoughtfully by abandoning this rulemaking and instead issuing a simple Notice of Inquiry (NOI) in order to fully understand the impact of the rules before making any conclusions about their future.

Congress underscored the importance of providing young Americans with educational and informative content to help them thrive and grow by passing the Children's Television Act of 1990. Subsequently, the FCC adopted the "Kid Vid" rules in 1996, requiring broadcasters to air an average of at least three hours of core children's educational and informational programming per week and establishing several additional guidelines to safeguard American families' access to this programming.

On January 26, 2018, Commissioner O'Reilly authored an official blog post about the "Kid Vid" rules, calling the rules "unnecessary."<sup>1</sup> Following Commissioner O'Reilly's blog post, in which he argued that certain "Kid Vid" rules should be "rolled back or reconsidered," FCC Chairman Pai tasked Commissioner O'Reilly with reviewing the rules. The FCC then announced proposed modifications to the "Kid Vid" rules without first issuing an NOI to provide a public forum to better understand the rules' impacts before proposing any changes.

The Commission's proposed rulemaking includes insufficient information to justify its proposed rule changes. For example, the NPRM proposes eliminating the requirement that broadcasters air their Core Programming on main program streams, paving the way for broadcasters to move their children's content to multicast streams, without providing data to demonstrate that doing so will not significantly diminish access to and viewership of their children's content. Similarly, the

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<sup>1</sup> Michael O'Reilly, *It's Time to Reexamine the FCC's Kid Vid Requirements*, Federal Communications Commission (Jan 26, 2018), <https://www.fcc.gov/news-events/blog/2018/01/26/its-time-reexamine-fccs-kid-vid-requirements>.

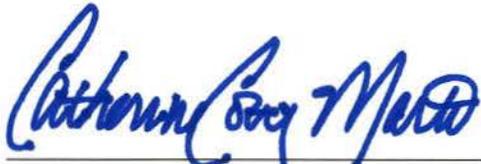
NPRM includes a proposal to modify the rule requiring broadcasters to air at least three hours of core children's educational and informational programming per week, without offering any evidence that airing less educational content will somehow not hurt children.

In the absence of key information about how American children access educational programming on television and how significant changes to the "Kid Vid" rules would affect this access, the Commission's proposed rulemaking is premature. Given the critical importance of these rules and our concern that several proposals in the Commission's NPRM have the potential to undermine the rules' effectiveness, we respectfully request that the FCC revise its item on children's programming rules as an NOI and go through a rigorous fact finding process. The Commission should not act in haste to revise rules that can negatively impact children in our country.

Sincerely,

  
Edward J. Markey  
United States Senator

  
Bill Nelson  
United States Senator

  
Catherine Cortez Masto  
United States Senator

  
Kirsten Gillibrand  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Jack Reed  
United States Senator