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*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

July 21, 2020

The Honorable Ajit V. Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

In an effort to protect the well-being and comfort of all consumers, I'm writing to request information about the current state of enforcement of the Commercial Advertisement Loudness Mitigation (CALM) Act.

I authored the CALM Act to protect consumers from the simple but important problem of loud television commercials. Loud commercials affect all Americans – old and young, Republicans and Democrats, rural and urban. On February 13, 2009, I introduced H.R. 1084, the CALM Act. As the Committee Reports of the House Energy and Commerce and Senate Commerce, Science, and Transportation Committee on the CALM Act point out, the Federal Communications Commission (FCC) has been aware of this issue since at least 1954. The CALM Act brought the U.S. in line with the United Kingdom, Australia, Brazil, France, Israel, and other countries that regulate the volume of television advertisements. The legislation passed the Senate by unanimous consent and the House by voice vote.

The CALM Act directs the FCC to regulate the volume of television advertisements relative to surrounding video programming, pursuant to standards prescribed by the Advanced Television System Committee. This regulation applies to TV broadcast stations, cable operators, and other multichannel video programming distributors (MVPDs).

It has been over a decade since this legislation was enacted, yet I'm not aware of any instances of the FCC bringing enforcement actions under the law. While one could conclude that the lack of action reflects a solved problem, I understand that the FCC still receives thousands of consumer complaints about loud television commercials. Further, the growing ubiquity of new formats for consuming video services raises questions about the need to expand the reach of the CALM Act to additional types of providers that Congress may consider.

For the above reasons, I request that you respond to my inquiries below no later than August 21, 2020.

1. Please provide the total number of complaints the FCC has received each year from 2008 to 2019 about loud commercials associated with each of the following: television (including broadcast, cable, and satellite), radio, and streaming services (including virtual MVPDs, digital MVPDs and internet-based streaming services).
 - a. In this dataset, please include the five companies (whether TV, radio, or streaming providers, or advertisers) most complained about in each year.
 - b. How has the FCC responded to these complaints?
 - c. If the FCC shared complaints with specific companies, is the FCC aware of companies taking actions to rectify the problem?
2. How many letters of inquiry has the FCC sent companies related to loud commercials, including but not limited to potential violations of the CALM Act and associated regulations, in each year from 2008 to 2019?
3. How many investigations of potential violations of the CALM Act and associated regulations has the FCC commenced in each year from its enactment until now? Please provide any associated public documentation for each investigation.
4. How many enforcement actions has the FCC proposed for violations of the CALM Act in each year from its enactment until now? Please provide any associated public documentation for each enforcement action.
5. Has the FCC studied or investigated the broader issue of commercial volume across TV, radio, or streaming services? If so, please share any reports or other documents containing any findings or recommendations about the matter.

I thank you in advance for your cooperation and look forward to your timely response.

Most gratefully,



Anna G. Eshoo
Member of Congress

cc: The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Geoffrey Starks, Commissioner