



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
ACTING CHAIRWOMAN

April 29, 2021

The Honorable Anna Eshoo
U.S. House of Representatives
272 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding complaints about loud commercials and the Commission's approach to the CALM Act. I appreciate your leadership on this issue as well as your long-standing commitment to consumers.

Like you, I am concerned when I hear complaints about commercials that are far louder than the programming they accompany, an issue that the FCC last comprehensively addressed in 2011. As a result, I recently instructed the Media Bureau to issue a Public Notice seeking comment on the effectiveness of the current CALM Act rules, as well as any suggestions for changes given improvements in technology and any changes in industry practices. Comments are due on June 3, 2021 and reply comments are due on July 9, 2021. I am hopeful that the record we develop will help inform what next steps may be needed to increase the effectiveness of the CALM Act.

At present, under the FCC rules implementing the CALM Act, the FCC's Enforcement Bureau reviews loud commercial complaints to determine if there is a pattern or trend. If one is found, the Bureau may issue a Letter of Inquiry (LOI) to the responsible television broadcaster or multichannel video programming distributor (MVPD). Under our existing rules, if served with an LOI, the broadcaster or MVPD can respond either by demonstrating that the particular commercials at issue were in "actual compliance" with the CALM Act or by demonstrating "ongoing compliance" with the CALM Act by performing a 24-hour spot check of the channel or program stream at issue within 30 days of the inquiry. In addition, in certain circumstances, the FCC's current rules provide broadcasters and MVPDs with alternative methods of demonstrating compliance with the CALM Act's requirements (*e.g.*, by proving that they installed, maintained, and utilized appropriate equipment).

Given that a decade has passed since the Commission first implemented these processes under the CALM Act, I believe a fresh look at its effectiveness is timely and warranted.

I hope this information is helpful. Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel", with a long horizontal flourish extending to the right.

Jessica Rosenworcel