

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of
Children's Television Obligations
Of Digital Television Broadcasters
MM Docket No. 00-167

ORDER ON RECONSIDERATION

Adopted: January 31, 2005

Released: January 31, 2005

By the Commission:

1. On September 9, 2004, the Commission adopted a Report and Order and Further Notice of Proposed Rule Making ("Order") in the above-captioned proceeding. Among other things, the Order held that the display of Internet website addresses during programs directed to children ages 12 and under is permitted as within the commercial time limitations only if the website meets the following criteria: 1) it offers a substantial amount of bona fide program-related or other noncommercial content; 2) it is not primarily intended for commercial purposes, including either e-commerce or advertising; 3) the website's home page and other menu pages are clearly labeled to distinguish the noncommercial from the commercial sections; and 4) the page of the website to which viewers are directed by the website address is not used for e-commerce, advertising, or other commercial purposes (e.g., contains no links labeled "store" and no links to another page with commercial material). The Order also states that the display of website addresses in children's programs is prohibited during both program material and commercial material when the site uses characters from the program to sell products or services. The Order states that these requirements will become effective February 1, 2005.

2. A number of broadcasters and cable operators and programmers have expressed concern that compliance with these new requirements by the February 1, 2005, effective date will be difficult. Specifically, these parties state that they were unprepared for the decision to regulate website displays virtually immediately, and that each company must structure a plan of compliance and then reconstruct its website or websites accordingly. These parties have requested that the effective date of these new rules be deferred to January 1, 2006, consistent with the effective date of many of the other requirements in the Order.

3. We believe that it is appropriate to afford broadcasters and cable operators additional time to come into compliance with these newly adopted requirements. Accordingly, on our own motion, pursuant to 47 C.F.R. § 1.108, we hereby defer the effective date of newly adopted Sections 73.670(b) and (c) and Sections 76.225(b) and (c) of Part 47 of the Commission's rules until January 1, 2006. This

1 See FCC 04-221, released November 23, 2004.

2 See 47 C.F.R. §§ 73.670(b), 76.225(b) (as revised in Appendix B of the Order).

3 See 47 C.F.R. §§ 73.670(c), 76.225(c) (as revised in Appendix B of the Order).

4 See Notice of Oral Ex Parte Presentation, MM Docket No. 00-167, dated December 15, 2004.

delay in the effective date of these new provisions will give broadcasters and cable operators more time to review and make any necessary changes to their programs or websites to comply with these new requirements.

4. The *Order* also makes effective February 1, 2005 the decision to apply the commercial limits and policies to all digital video programming directed to children ages 12 and under, whether that programming is aired on a free or pay digital stream.⁵ Thus, the limitation on the number of minutes of commercial matter in children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays⁶ applies to both analog and digital broadcasters and to both free and pay digital streams. We do not delay the effective date of this requirement. However, the *Order* was published in the Federal Register January 3, 2005.⁷ Accordingly, we will commence enforcement of this requirement February 3, 2005, rather than February 1, 2005.⁸

5. *Congressional Review Act.* The Commission will send a copy of this *Order on Reconsideration* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

6. *Paperwork Reduction.* This *Order on Reconsideration* does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(ca)(4).

7. Accordingly, IT IS ORDERED that 47 C.F.R. Sections 73.670(b) and (c) and Sections 76.225(b) and (c) as adopted in the *Order* in the above-captioned proceeding SHALL BECOME EFFECTIVE January 1, 2006.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁵ See Order at ¶¶ 49, 68.

⁶ See 47 C.F.R. § 73.670.

⁷ See 70 FR 25-01, January 3, 2005.

⁸ See 5 U.S.C. § 553(d) (which requires that the effective date be at least 30 days after Federal Register publication).