

The legislative history of the CTA states that “[i]t is difficult to think of an interest more substantial than the promotion of the welfare of children who watch so much television and rely upon it for so much of the information they receive.”⁴ The Commission seeks comment on whether each of the proposed alternatives for improving implementation of the CTA is narrowly tailored to further the CTA’s interest in furthering the education and welfare of children and on its analysis of First Amendment issues as discussed in paragraphs 66 through 73 in the full text of this NPRM.

18. The Commission also seeks comment on possible revisions to our license renewal procedures that might encourage the public to take a more active role in urging stations to comply with the CTA and reduce the government’s role in reviewing such compliance. Thus, the Commission seeks comment on whether it should require any party filing a petition to deny to show that he or she had first attempted to resolve the alleged problem with the station in question, and whether, if we implement a safe harbor processing guideline or a programming standard licensees should be permitted to certify whether they have aired the prescribed amount of core programming.

19. Finally, the Commission solicits comment on a number of general and specific issues regarding “program sponsorship” rules. If the Commission adopts either a safe harbor processing guideline or a programming standard, such rules would give licensees the option of either themselves airing the entire prescribed amount of children’s educational programming, or airing a portion of the prescribed amount themselves and taking responsibility for the remainder by providing financial or other “in-kind” support for programming aired on other stations in their market. The station sponsoring educational programs shown elsewhere would take credit for these programs at license renewal time. We conclude that the CTA precludes allowing a licensee to meet either a processing guideline or programming standard entirely by sponsoring programming on other stations in the same market. The Commission thus suggests that under either option each station be required to air at least 1 hour of core educational and informational programming itself and that each be allowed to fulfill the remaining hours by sponsoring core programming on other stations. The Commission also seeks comment on the

tentative views expressed in the full text of the NPRM regarding how a program sponsorship system should work. The CTA and the Commission’s rules already permit stations to receive credit at license renewal time for supporting educational programming on another station in their market, and the Commission has held that if one station produces or buys children’s programs broadcast on another station, so as to qualify under 47 U.S.C. 303b(b)(2), both stations may rely on such programming in their license renewal applications. The Commission now seeks comment on whether that holding was correct, or whether it undermines the CTA by permitting “double counting.” It appears that, at least for the purpose of meeting a processing guideline or programming requirement, stations that air sponsored programming (“host” stations) should not be permitted to claim credit for such programming.

20. It is also the Commission’s view that a station should be allowed to sponsor programs for the purpose of meeting a processing guideline or programming requirement only on host stations that serve largely the same potential viewers. On the other hand, the Commission does not believe that we should require sponsor and host stations to serve exactly the same area because such a requirement would unduly limit the program sponsorship options available in many markets. Taking into account these competing considerations, it would seem sensible to require that, when any portion of a station’s programming that is claimed to satisfy a processing guideline or programming requirement consists of programming shown on another station, the signal of the host station cover 80 percent of either the community of license or the area encompassed within the grade A or grade B contour of the sponsor station. The Commission seeks comment on these ideas and on other issues relevant to program sponsorship. For example, the Commission asks for comment on what types of information about sponsored programs should be provided to the public, and whether antitrust law would limit the extent to which stations in a market may cooperate through program sponsorship efforts.

21. If the Commission adopts either a processing guideline or a programming standard, we would intend that the resulting regulatory changes would be made on a provisional or experimental basis, rather than as permanent changes. It is the Commission’s hope that any such guideline or standard, together with the other changes we propose, will effectuate a significant improvement in

television broadcasters’ service to children, and also will enable parents to monitor the performance of stations in their communities and ensure through their actions that the CTA’s objectives are met. In accordance with these expectations, and to ensure periodic review of the necessity and efficacy of a guideline or standard, the Commission invites comment on whether to sunset any regulatory changes related to the possible implementation of either of these two options, absent additional Commission action, on December 31, 2004, unless affirmatively extended by the Commission. This date is one year after the close of the renewal cycle for the last group of stations to come up for renewal after rules would be adopted in this proceeding, and would allow the Commission, prior to the sunset, the opportunity to evaluate fully the effects of any rules adopted here. Thus, it would be our intention to undertake a review prior to the sunset date.

22. In conclusion, with this proceeding, the Commission intends to enhance the public’s ability to monitor station compliance with the CTA, to clarify its rules and policies governing educational programming for children to provide licensees with greater certainty as to the scope of their children’s programming obligation, and to ensure that the amount of educational and informational programming provided by television broadcasters comports with the goals of the CTA. The Commission believes that these objectives can be achieved by increasing the flow of information to the public about the children’s programming that stations are broadcasting, and by adopting a definition of programming “specifically designed” to serve children’s educational and informational needs. In addition, we intend to take further action—in the form of instituting monitoring procedures, processing guidelines or a programming standard—in order to ensure that all children have access, as Congress intended, to an adequate supply of educational and informational programming specifically designed for them. The Commission seeks comment on all aspects of our proposals, and welcomes other ideas commenters may have to achieve the objectives outlined herein.

V. Administrative Matters

23. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission’s Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 16, 1995, and reply comments on or before July 17, 1995. To file formally in this

⁴ Senate Report at 17; see also House Report at 11.