

# Communications and Media

## E-ALERT

October 30, 2009

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### FCC LAUNCHES PROCEEDING TO CONSIDER CHILDREN'S MEDIA ISSUES

The FCC has released a Notice of Inquiry seeking comment from the public about a broad range of issues regarding children and media. The notice, which was announced this past December in the FCC's report to Congress regarding the Child Safe Viewing Act, seeks information related to children's access to television, the Internet, mobile services, non-networked devices, and other technologies.

Among the specific topics considered by the FCC were the following:

- **Children's Media Use.** The FCC asked for information about how much media children consume, what kinds of media they use, and how they use them. It also inquired whether there were groups of children that lacked access to digital media and sought data about trends in the use of media by children.
- **Benefits.** The FCC highlighted a range of benefits of electronic media use by children, including technological literacy, education, enhanced communication, and removing barriers for children with disabilities. The agency solicited studies and other concrete evidence that illustrate these benefits. It also asked interested parties to comment on the quantity and quality of the children's programming available on broadcast television, including on multicast streams.
- **Risks.** The FCC noted that access to digital media presents significant risks for children, including "exploitative advertising," inappropriate content, content that could adversely impact a child's health by depicting harmful behavior, sexual predation, scams, and privacy issues. The FCC also highlighted existing tools for protecting children, including parental supervision, the V-chip, and other content control technologies. The FCC asked for information about whether these tools were sufficiently effective and, if not, what it could do to protect children further.
- **Media Literacy.** The FCC considered whether there is "a minimum level of media literacy that parents, teachers, and children must have to ensure that children can participate effectively in modern society." It asked what resources currently exist to ensure that these stakeholders become "media literate" and what more can be done to promote media literacy.
- **Governmental Coordination.** Noting that other government agencies also are considering children's media issues, the FCC asked for information about what initiatives currently exist, what needs remain to be addressed, and what role the FCC should play in this area.
- **Legal Authority.** In connection with the FCC's Child Safe Viewing Act report, some commenters argued that the FCC did not have authority to regulate many of the technologies that it was addressing. In this proceeding, the FCC has asked commenters who propose that the FCC take a specific action to explain why the FCC has authority to do what they

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propose or describe what new legislation would be required before the FCC could act.

In voting to approve the FCC's notice, Chairman Julius Genachowski noted that the FCC has regulated broadcast television over the past twenty years to protect children. He described the dramatic expansion in the types of media available to children and urged that "the Commission should work to ensure that parents have access to a full range of information and tools in exercising their essential responsibilities" to protect children using media, including by raising parental awareness and promoting the development of new tools to help parents. Given the breadth of the notice, however, it appears the FCC may use this proceeding as a basis for considering more direct obligations for providers of various kinds of media to children.

Comments in response to the notice will be due 60 days after the notice is published in the Federal Register, which has not yet occurred. Please contact any of the lawyers listed below, or any other member of our communications and media practice, if you have questions about the FCC's notice or if you would like to be informed when comment deadlines are established.

If you have any questions concerning the material discussed in this client alert, please contact the following members of our communications and media practice group:

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