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December 17, 2003

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

RE: Children's Television Obligations of Digital Television Broadcaster, MM Docket No. 00-167; Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television, MB Docket No. 03-15, RM 9832; Digital Carriage Rules, CS Docket No. 98-120

Ms. Dortch:

Pursuant to section 1.1206 (b)(2) of the Commission's rules, we hereby submit this notice regarding an *ex parte* meeting in the above-referenced proceedings.

On Tuesday, December 16, 2003, members of the Children's Media Policy Coalition met with FCC Commissioner Jonathon Adelstein and media advisor Johanna Shelton. Attending the meeting were Coalition members Patti Miller, director of the Children and the Media Program at Children Now; Gloria Tristani, Children Now board member; Dr. Dale Kunkel, Department of Communications at the University of California Santa Barbara; Jeff McIntyre of the American Psychological Association; Marjorie Tharp of the American Academy of Pediatrics; and James Bachtell, staff attorney at the Institute for Public Representation at Georgetown University Law Center.

Members of the Children's Media Policy Coalition urged the Commission to adopt public interest guidelines to ensure that children's educational and informational needs are met before acting on digital must-carry rules. Noting that the public interest proceeding had been pending for some time, Miller stated that "the FCC should not put the economic interests of the broadcasters ahead of the interests of children."

Coalition members also discussed other proposals that had previously been submitted in comments. First, they urged the Commission to adopt programming guidelines for broadcasters that reflect the technical capabilities and increased channel capacity of digital television. The Coalition recommends that any increase in multicasting channel capacity that broadcasters

choose to implement should translate into a commensurate increase in the amount of programming available to children. For instance, the Commission could adopt a guideline that three percent of a broadcaster's total programming should be E/I programming, giving broadcasters flexibility concerning the program stream. It could also retain the three-hour guideline for the "primary" channel, but require additional service to children which could take the form of additional E/I programming, educational datacasting or financial support for noncommercial educational children's programming.

Second, coalition members noted that digital technology could be used to better inform parents about the availability of E/I programming. With digital technology, onscreen links could give parents detailed information about the educational nature of the programming. Broadcasters could also spend time promoting their E/I programming, especially if the shows are not on the primary channel.

Finally, Coalition members noted that the existing children's advertising policy needs to be updated for digital broadcasting. The current separation policy dividing children's programming from advertising needs to be adapted to the new interactive digital environment. The Commission should also prohibit the collection of information about children and their viewing habits without affirmative parental consent, expanding upon the protections of the Children's Online Privacy Protection Act (COPPA).

If you have any concerns, please contact me at (202) 662-9543. Thank you.

Sincerely,

 x
James A. Bachtell

cc: Commissioner Jonathon Adelstein (FCC)
Johanna Shelton (FCC)
Patti Miller (Children Now)
Dale Kunkel (UCSB)
Angela Campbell (IPR)