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**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
Implementation of the Child Safe Viewing ) MB Docket No. 09-26  
Act; Examination of Parental Control )  
Technologies for Video or Audio )  
Programming )

To: The Commission

**COMMENTS OF THE CONSUMER ELECTRONICS ASSOCIATION**

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## SUMMARY

As leaders in the development of parental control tools, including the V-chip, CEA and its member companies are committed to empowering parents to use features and services of consumer electronics products to structure their children's television viewing. Today, parents who choose to use technological tools to restrict their children's viewing can select from an array of products and services that include guide-based functionalities, channel blocking, program blocking, time limitation-based technologies, and a variety of independent ratings information available in a user-friendly and accessible manner. Although the V-chip is the "buzzword" many first think of when discussing blocking technologies and parental controls, the actual V-chip technology is but one element in a universe of tools designed to empower parents.

As policymakers consider these issues, it is noteworthy that the vast majority of television viewers (approximately 90 percent) subscribe to a multichannel video programming distributor ("MVPD") platform, and MVPDs offer a host of content-blocking systems other than the V-chip. Thus, although the V-chip is mandated in all televisions with screen sizes greater than 13 inches, most parents utilizing a content-blocking tool do not rely on the V-chip.

Nonetheless, the V-chip continues to be an effective parental tool for the households that rely on it, and the most current version of the standard – the "digital V-chip" – can accommodate multiple ratings schemes. The fact that the V-chip is not used at empirically "high" levels has little to no bearing on whether it is an effective tool – or whether parents who seek to use advanced blocking technologies can access and program alternative tools. Clearly then, the FCC must be careful not to confuse the lack of ubiquitous usage of a particular technology with a lack of empowerment or a lack of available tools.

The FCC already accomplished the most effective and parent-friendly way to permit flexible ratings when it required all TV receivers in the U.S. market to be designed to respond to a downloaded U.S. RRT. This RRT is identified ("0x05" or "RRT 5") in the current version of the CEA-766 standard, and TV receivers already have been built to respond to it. Thus, televisions that are manufactured today are currently capable of receiving information broadcast over the air that could be used to present new, alternative rating schemes.

At the same time, however, the rating parameters for RRT 5 have not yet been defined. Before any new ratings scheme is offered by a third party (e.g., a parents media organization) as part of the downloadable V-chip, it would be necessary to reach a common understanding about the technical criteria to be used. In other words, coordination is necessary to effectuate this capability. CEA has long welcomed parties interested in discussing future ratings schemes to become involved with CEA's standards-setting activities.

Beyond the realm of the V-chip, there is a dynamic and adaptive marketplace for parental empowerment technologies. To preserve this market's vibrancy, CEA urges policymakers to proceed cautiously and thoughtfully in contemplating any further government intervention. Rather than empowering parents, extended regulation and imposition of new technology mandates like the V-chip could stifle innovation and reduce competition and choice for American consumers of content blocking technologies.

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The Consumer Electronics Association (“CEA”)<sup>1</sup> submits these comments in response to the Notice of Inquiry (“*NOI*”)<sup>2</sup> issued by the Commission pursuant to the Child Safe Viewing Act of 2007 (the “*CSVA*”).<sup>3</sup> CEA welcomes this opportunity to describe the numerous blocking technologies and related tools available today that empower parents to structure responsibly the media content their children consume.

From television and navigation device manufacturers to personal computer companies, the consumer electronics industry works tirelessly to enable consumers to optimize the use of

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<sup>1</sup> CEA is the principal U.S. trade association of the consumer electronics and information technologies industries. CEA’s more than 2,200 member companies include the world’s leading consumer electronics manufacturers. CEA’s members design, manufacture, distribute and sell a wide range of consumer products including television receivers and monitors, computers, computer television tuner cards, digital video recorders (“DVRs”), game devices, navigation devices, music players, telephones, radios, and products that combine a variety of these features and pair them with services – all as chosen by consumers in an open marketplace.

<sup>2</sup> *Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming*, Notice of Inquiry, MB Dkt. No. 09-26, FCC 09-14 (rel. Mar. 2, 2009) (“*NOI*”).

<sup>3</sup> Child Safe Viewing Act of 2007, Pub. L. No. 110-452, 122 Stat. 5025 (2008) (“*CSVA*”).

their electronics devices and the features they offer. As leaders in the development of parental empowerment tools, including the V-chip, CEA and its members strive to help parents protect their children from programming that parents find inappropriate. In addition to the V-chip, numerous innovative consumer electronics product features and services are now available which enable parents to structure their children's video programming viewing. In particular, CEA focuses these comments on the tools available to manage television viewing, including: channel-blocking and time-blocking features standard in today's television sets; content-blocking systems available on multichannel video programming distributor ("MVPD") platforms; the V-chip; after-market television accessories; and a plethora of independent ratings information that parents can employ in conjunction with or separately from formal content-blocking technologies.

Beyond the realm of the V-chip, there is a dynamic and adaptive marketplace for parental empowerment technologies. To preserve this market's vibrancy, CEA urges policymakers to proceed cautiously and thoughtfully in contemplating any further government intervention. Rather than empowering parents, extended regulation and imposition of new technology mandates like the V-chip could stifle innovation and reduce competition and choice for American consumers of content blocking technologies.

## **I. INTRODUCTION**

In the *NOI*, the Commission implements the first directive of the CSVA by soliciting comment to examine the existence and availability of "advanced blocking technologies" across a

variety of platforms, as well as methods of encouraging the use of such technologies by parents.<sup>4</sup> From the record established in response to the *NOI*, the Commission then is directed to prepare a report to Congress regarding the extent to which parents are empowered with the necessary tools to protect their children.<sup>5</sup>

More than ever before, today's parents have a multitude of advanced blocking technology options to identify objectionable content and prevent their children from accessing that content. In addition to active and direct parental involvement in monitoring and restricting children's television viewing, available technologies include the V-chip; cable, satellite, and telco TV system-specific controls; stand-alone DVRs; Internet-based independent party programming reviews; and after-market accessories such as TV timers and restrictive remote controls. Indeed, to satisfy market demand for comprehensive, user-friendly methods to structure children's television viewing, parental controls have become a product differentiator and competitive element for both MVPD providers and electronics manufacturers.

For broadcast television programming, content blocking has largely become synonymous with one technology, the "V-chip." Consistent with the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act"),<sup>6</sup> this ratings-based blocking

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<sup>4</sup> The CSVA defines "advanced blocking technologies" as "technologies that can improve or enhance the ability of a parent to protect his or her child from any indecent or objectionable video or audio programming, as determined by such parent, that is transmitted through the use of wire, wireless, or radio communication." CSVA at § 2(d).

<sup>5</sup> *Id.* at 2(c); *see also* S. Rep. No. 110-268, at 1 (2008) ("The purpose of S. 602 is... to examine the existence and availability of advanced blocking technologies that parents could use across a variety of communications devices or platforms to protect their children from inappropriate content.")

<sup>6</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, § 551, 110 Stat. 56, 139 (codified at 47 U.S.C. §§ 303, 330).

technology is embedded in television sets and lets parents prevent viewing of programming tagged by the content creator with certain ratings (e.g., violence, language, sexual content, age appropriateness). CEA literally set the standard for the V-chip – CEA-766. The V-chip provides over-the-air television and cable households without set-top boxes the ability to block broadcast television programs based on the TV Parental Guidelines.<sup>7</sup> It is an effective tool that allows viewers to control programming using the current ratings scheme, and the digital V-chip has the capacity to accommodate multiple different ratings schemes.

Other content-blocking tools available to parents are equally compelling and diverse. For example, the vast majority of television sets now offer integrated tools that allow for channel blocking and time-limitations. In addition, a number of after-market accessories (e.g., DVRs, child locks) also are available to help parents control the amount of television programming as well as the type of television content that their children view.

To thoroughly and accurately assess the availability and use of advanced blocking technologies, however, it is important to recognize how Americans watch television today. According to the FCC's most recent figures, 86.91% of Americans receive their video programming through an MVPD provider.<sup>8</sup> More recently, a CEA study conducted in September 2008 found that only 9% of U.S. households are antenna-only. The high number of MVPD households is critical in the Commission's inquiry here because MVPD viewers with set-top boxes will generally rely on their providers' blocking options which operate independently of the V-chip. MVPD systems feature channel- and program-blocking tools that are incorporated

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<sup>7</sup> See *infra* Section 4A for an explanation of how the V-chip works.

<sup>8</sup> *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Thirteenth Annual Report, MB Dkt. No. 06-189, FCC 07-206, Table B-1 (rel. Jan. 16, 2009) (providing information for the year 2006).

into the same, familiar user interface that parents already understand. Further, these parental control technologies generally can be applied to all programming, both broadcast and non-broadcast. In addition, some MVPDs have entered into partnership agreements with independent ratings entities and/or third-party manufacturers to further differentiate and enhance these MVPD offerings. For example, satellite provider DIRECTV, Inc. (“DIRECTV”) has partnered with Common Sense Media to provide access through the DIRECTV website programming guide to Common Sense Media’s television ratings information. While the V-chip is mandated in all televisions with screen sizes greater than 13 inches, it is not used by most parents that activate television content blocking technologies. Rather, they rely on the technologies described above that operate independently of the V-chip.

Above all, consumers, including parents, benefit from the proliferation of platforms and devices that facilitate video programming. Over the last 15 years, concurrent with the evolution of new video-delivery platforms, the market has provided an ever-increasing array of parental control technologies to serve consumers. As the FCC gathers data for its report to Congress as required by the CSVA, the Commission should keep in mind this dynamic and adaptive marketplace that has yielded creative, innovative, and readily available parental empowerment tools.

## **II. PARENTS HAVE A MULTITUDE OF OPTIONS TO PROTECT THEIR CHILDREN FROM PROGRAMMING THAT THEY DEEM INDECENT OR OBJECTIONABLE**

Today, parents who choose to use technological tools to restrict their children’s viewing can select from an array of products and services that include guide-based functionalities, channel blocking, program blocking, and time limitation-based technologies. Although the V-chip is the “buzzword” many first think of when discussing blocking technologies and parental controls, the actual V-chip technology is but one element in a universe of tools designed to

empower parents. Indeed, CEA fully anticipates that the record established in this proceeding will reflect a wide range of resources available to parents who seek to tailor their families' viewing. To that end, CEA discusses below a representative selection of parental empowerment tools available to parents today.

#### **A. MVPDs Offer Parents a Range of Program Selection and Blocking Tools**

Cable and satellite providers offer their subscribers a range of tools – which can be used independently or in conjunction with each other – that include functionalities in on-screen guides, channel blocking, detailed website information, and DVRs. In the *NOI*, the FCC referred to these tools as “*additional* parental control options available to cable and satellite subscribers”<sup>9</sup> – but as a practical matter, cable and satellite-provided controls are the primary blocking tools utilized in most households.

The interactivity and evolving technology of MVPD systems inevitably result in a continuous increase in the universe of parental control options available to MVPD subscribers. Further, in the highly competitive market for the delivery of video programming, parental controls are one area in which MVPDs can develop innovative approaches to differentiate their products.<sup>10</sup> A selection of MVPD tools that allow parents to restrict undesirable content and identify desirable content includes the following:

- Channel and Program Blocking. Many cable operators offer tools that empower parents to block or lock programs by channels through the use of simple PIN numbers for analog boxes and even more advanced controls for individual program blocking for digital subscribers.<sup>11</sup>

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<sup>9</sup> *NOI* at ¶ 26 (emphasis added).

<sup>10</sup> Conversely, the statutorily-mandated nature of the V-chip eliminates any incentive that providers would have to market it as a differentiating and competitive feature.

<sup>11</sup> See e.g., Cable in the Classroom and the National Cable and Telecommunications Association, Parental Controls, <http://www.controlyourtv.org/DetailPage.php?PageID=29> (last visited Apr. 8, (continued on next page)

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Meanwhile, satellite, cable and IPTV services like Verizon's FiOS TV allow parents to hide adult programming from TV listings as well as enable channel and program blocking.<sup>13</sup> In most cases, these tools require only minimal effort for parents to use.<sup>14</sup>

- Independent Ratings. Some MVPDs provide independent ratings (i.e., ratings not affiliated with MPAA or the TV Parental Guidelines) on their websites and in their channel guides. For example, DIRECTV has partnered with Common Sense Media to offer child-focused ratings guides on DIRECTV.com. To access ratings information, users can click on a television or movie title on the DIRECTV.com program guide and link directly to Common Sense Media's ratings. Parents can then use DIRECTV's "DVR Scheduler" function to record selected programming at home.<sup>15</sup>
- DVR and On Demand. DVR penetration in television households is increasing, as consumers can either rent DVRs from an MVPD or purchase stand-alone units. DVR and other time-shifting technology allows parents to easily identify, review, and store appropriate programming for their children. TiVo offers a DVR that features its KidZone™ Guides, which allow parents to make decisions about their children's programming based on ratings from organizations like the Parents Television Council, Common Sense Media, Kids First! and

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2009) ("NCTA Control Your TV Site"); Comcast, Parental Controls, <http://www.comcast.com/Corporate/Customers/ParentalControls.html/?lid=9CustomersParentalControls&pos=Nav>, (last visited Apr. 8, 2009); Time Warner Cable, Parental controls, <http://www.timewarnercable.com/WV-VA-KY/learn/cable/parentalcontrol.html> (last visited Apr. 8, 2009). For cable consumers without set-top boxes, channel blocking or other technologies may be available from their provider.

<sup>12</sup> See DISH Network, Get Control Over What Your Kids are Watching! [http://www.dishnetwork.com/customerService/parental\\_control/default.aspx](http://www.dishnetwork.com/customerService/parental_control/default.aspx) (last visited Apr. 8, 2009).

<sup>13</sup> See Verizon FiOS TV, Managing Parental Controls, <http://www22.verizon.com/ResidentialHelp/FiOSTV/Guide/Parental%20Controls/Questions/122264.htm> (last visited Apr. 8, 2009).

<sup>14</sup> A basic explanation of how to deploy content blocking tools for cable and satellite is available at [www.TheTVBoss.org](http://www.TheTVBoss.org).

<sup>15</sup> See Press Release, DIRECTV and Common Sense Media Form Partnership to Help Parents Choose Kid-Friendly Programming (Mar. 20, 2009).

others.<sup>16</sup> Using the KidZone™ product, parents can use these groups' ratings as a proxy for the selection and recording of family-appropriate programs. MVPD On Demand services with offerings appropriate for children also offer alternatives to parents looking for easily available and safe programming. For example, from 2004 to 2006, approximately 10% of all Comcast Video on Demand views were for children's shows.<sup>17</sup>

- Family Packages. Many MVPDs offer family-oriented programming packages, which include content specifically tailored for family audiences.<sup>18</sup>
- tru2way™ Platform. Consumers increasingly rely on interactive program guides that are integrated with tools to block inappropriate content. Cable operators have developed and are beginning to deploy the tru2way™ platform,<sup>19</sup> - a nationally standardized platform based on Java technology – that enables cable operators to deploy advanced program guides with innovative blocking features. The tru2way platform provides a means for cable operators to download their customized program guides to run on their own leased set-top boxes and on compatible retail products. Advanced program guides for tru2way can be developed and provided by the MVPD independent of the device manufacturer, so they can be easily changed and updated with a newer and more advanced version. The integration of navigational guides with content blocking tools simplifies the user interface, which in turn has the potential to improve consumer adoption and utilization of blocking technologies.

For the majority of Americans that receive their programming via cable or satellite, there is no shortage of innovative and easy-to-use technological blocking tools that are readily available.

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<sup>16</sup> See TiVo KidZone Guides, <http://www3.tivo.com/tivo-tco/mix/kzindex.do> (last visited Apr. 8, 2009).

<sup>17</sup> See Press Release, Comcast ON DEMAND Tops Three Billion Views (Sept. 6, 2006).

<sup>18</sup> For example, DIRECTV offers a basic family package bundle. See DIRECTV, The FAMILY™ Package, <https://www.directv.com/DTVAPP/wizard/buildYourSystem1.jsp?footernavtype=-1> (last visited Apr. 8, 2009). Likewise, Comcast and other cable providers offer their own family programming tiers. See e.g., Press Release, Comcast Announces Family Tier (Dec. 22, 2005);

<sup>19</sup> tru2way is a trademark of Cablelabs®.

Many of these technologies can be used in conjunction with information, such as independent ratings, that helps parents determine what programming to block or record. Of course, these technologies are a complement to active parental involvement in their children's media viewing.

### **B. Consumer Electronics Manufacturers Empower Parents through New Technologies**

Consumer electronics manufacturers also offer a variety of innovative after-market advanced blocking technologies. These products further expand the options available to parents that wish to use blocking tools. Some of these products include the following:

- Built-in TV Functionality. Major television manufacturers produce televisions for the U.S. market today that include parent-friendly options such as child locks, and channel and time limitations as standard features.<sup>20</sup>
- TiVo KidZone™. As the Commission highlights in the *NOI*, TiVo's KidZone™ "permits parents to both block and select and/or record programming for their children based on a list of recommended programs developed by a number of independent organizations, including Common Sense Media, Discovery Kids, and the Parents Television Council."<sup>21</sup> Of note, TiVo's KidZone™ is available to and used by both MVPD viewers as well as over-the-air viewers who have purchased TiVo devices and TiVo service.
- TV Channel Restrictors. The WeeMote® allows parents to program a remote control to access only channels that they deem acceptable for their children to watch.<sup>22</sup>
- Time Management and Other Technologies. Television accessories, such as the TVTimer, and TimeMachine, restrict the amount of 'screen time' available for television or video games.<sup>23</sup>

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<sup>20</sup> Numerous television manufacturers, including Emerson, Hitachi, LG, Magnavox, Panasonic, Phillips, RCA, Sony, Sylvania, Mitsubishi, Toshiba, and XOCECO, provide such features.

<sup>21</sup> *NOI* at ¶ 23.

<sup>22</sup> Weemote, Products, <http://www.weemote.com/products.html> (last visited Apr. 8, 2009).

- DVRs, DVDs, VCRs, the Internet. In addition, parents can create “walled-gardens” of appropriate content by limiting the video content they make available to their children content that they pre-select on their DVRs and to specific DVDs, videocassettes, and Internet sites.
- Video Games. The video game industry is another good example of an industry that has taken the initiative to empower parents and caregivers with parental controls. The industry has adopted a self-initiated ratings system that has garnered praise from regulatory agencies and consumer groups alike for its clarity and the comprehensiveness of the information it provides. These controls, available on all current generation video game platforms (including Microsoft Xbox 360, Nintendo’s Wii, and Sony PlayStation 3), enable parents to block games by ESRB game rating and employ other controls.

This list of products is just a sample of the tools that provide parents with the knowledge and technical ability to control their children’s television viewing. Of course, blocking technologies are only one part of empowering parents to make wise decisions as to their children’s television viewing. As discussed below, there are also a variety of resources for those parents looking for guidance as to what may be appropriate content for their children to view.

### **C. Independent Organizations Provide Ratings and Recommendations Mechanisms to Families**

Numerous organizations evaluate programming to help parents determine the content that best suits their family values. In this vein, the Commission asks whether “private entities have sufficient incentive to develop advanced blocking technologies for commercial use” and whether technologies can function in conjunction with ratings systems developed by those other than the

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<sup>23</sup> See Family Safe Media, TV Time Management Tools, [http://www.familysafemedia.com/tv\\_time\\_management\\_tools\\_-\\_par.html](http://www.familysafemedia.com/tv_time_management_tools_-_par.html) (last visited Apr. 8, 2009).

content producers.<sup>24</sup> The current market landscape demonstrates that, in fact, there is an abundance of innovation in this area.

As an initial matter, there are several independent organizations that empower parents by providing content-based information. These include Common Sense Media, Plugged in Online, Parents Television Council, and the Smart Television Alliance. The missions of these groups are generally aligned toward the same goal - keeping parents informed of the content that each organization deems most relevant and appropriate to children, and identifying content that each organization deems inappropriate. Importantly, this valuable ratings information is readily available online. Thus, with minimal effort, interested parents can easily locate ratings information that can serve as the basis for the television regimen in their household.<sup>25</sup>

In addition, these organizations have entered into partnerships with MVPDs and consumer electronics manufacturers to ensure that parents have the ability to utilize the ratings information in conjunction with real-world tools. For example, as discussed above, the TiVo KidZone™ Guides combine independent ratings information with TiVo's user-friendly technology. In the future, parental ratings information and resources will become even more diverse and customer-specific, especially as new video platforms and technology allow for more and more customizable solutions.

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<sup>24</sup> NOI at ¶¶ 20, 25.

<sup>25</sup> See e.g., Common Sense Media, Recommended Lists – TV, <http://www.commonsensemedia.org/tv-lists> (last visited Apr. 13, 2009).

### **III. IN EVALUATING THE OVERALL LEVEL OF V-CHIP USAGE, POLICYMAKERS SHOULD CONSIDER THE NUMEROUS BLOCKING TECHNOLOGIES IN USE IN THE MARKET TODAY**

In practice, the V-chip is but one content-blocking tool and generally is of most relevance in households that rely on over-the-air television reception or receive cable service without a set-top box. As the Commission is well aware, the vast majority of Americans obtain video services through MVPDs (and these subscribers increasingly utilize set-top boxes). As these comments demonstrate, MVPDs offer their subscribers a variety of alternative program blocking solutions, and MVPD subscribers typically employ these technologies rather than the V-chip when they seek to block or otherwise restrict children's access to content.<sup>26</sup> Thus, it is critical for policymakers to recognize that the success of the V-chip mandate cannot be measured solely by a national level-of-use metric (i.e., by the percentage of the total population, or even the percentage of TV households, that rely on it).

The *NOI*, however, appears to characterize the V-chip as the primary example of “a parental empowerment tool already available on the market” and focuses on what the FCC deems “the low level of V-chip use.”<sup>27</sup> The *NOI* goes on to cite studies that purport to demonstrate that the V-chip is not widely used.<sup>28</sup> Recognizing that the methodologies employed

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<sup>26</sup> Certain alternatives, including cable-provided channel blocking, may be available for cable subscribers without set-top boxes.

<sup>27</sup> *NOI* at ¶ 10. “[W]e invite comment specifically on efforts to improve or expand V-chip technology and to encourage increased use of the V-chip by parents. We also seek comment on any other parental empowerment tools that are currently available to consumers, as well as any initiatives to encourage their availability and/or use.” *Id.*

<sup>28</sup> *See NOI* at ¶¶ 15-16.

by such studies have been criticized elsewhere,<sup>29</sup> CEA observes that a nationwide review of V-chip usage is over-inclusive and does not necessarily reflect V-chip use or efficacy in the more relevant population - over-the-air households with children of an age requiring parental control over viewing.<sup>30</sup> In short, the fact that the V-chip is not used at empirically “high” levels has little to no bearing on whether it is an effective tool – or whether parents who seek to use advanced blocking technologies can access and program alternative tools.

Clearly then, the FCC must be careful not to confuse the lack of ubiquitous usage of a particular technology with a lack of empowerment or a lack of available tools. In the CSVA, Congress directed the FCC to look generally at “advanced blocking technologies.”<sup>31</sup> Although the Senate Report did refer to some of the alleged shortcomings of the government-mandated V-chip, it stressed the FCC has not undertaken an analysis of the “viability or availability of alternative blocking technologies that could be used by parents to shield children from inappropriate content” and, as such the present proceeding was called for “to gather information about the availability of alternative blocking technologies.”<sup>32</sup> As a result, the FCC should use this proceeding to explore the efficacy and usability of all available advanced blocking technologies rather than disproportionately focusing on the V-chip.

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<sup>29</sup> See Adam Thierer, *Who Needs Parental Controls? Assessing the Relevant Market for Parental Control Technologies*, PROGRESS ON POINT (Feb. 2009).

<sup>30</sup> Indeed, there are numerous children that are too young or teens that are old for the V-chip to be a practical tool. See *id* at 4-7.

<sup>31</sup> See CSVA at § 1(a).

<sup>32</sup> S. Rep. No. 110-268, at 2.

#### **IV. FOR THE RELEVANT POPULATION, THE V-CHIP CONTINUES TO BE AN EFFECTIVE PARENTAL TOOL, AND THE “DIGITAL V-CHIP” CAN ACCOMMODATE MULTIPLE RATINGS SCHEMES**

##### **A. The V-Chip is an Effective Tool, Especially for Those Families That Rely on Over-the-Air Television**

The V-chip remains an effective tool that allows parents to protect their children from inappropriate or harmful content.<sup>33</sup> CEA was the leader in developing the V-chip standard (CEA-766) and remains the leader in the development of the next iteration, the digital V-chip. This straightforward technology enables parents to block television programming that they do not want their children to watch. It works as follows:

Much video programming, including all broadcast television programming, includes a rating that helps parents determine the suitability of the program for their family. Currently, television programs are rated (on a voluntary basis by content providers) based on the TV Parental Guidelines.<sup>34</sup> The TV Parental Guidelines include two elements. First, there is an age-based rating that provides guidance about a program’s age-appropriateness (TV-Y: All Children; TV-7: Directed to Older Children; TV-G: General Audience; TV-PG: Parental Guidance Suggested; TV-14: Parents Strongly Cautioned; and TV-MA: Mature Audiences Only). Second, there are content labels, which indicate that a program may contain suggestive dialogue (D), coarse or crude language (L), sexual situations (S), violence (V) or fantasy violence (FV).

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<sup>33</sup> Pursuant to Section 551 of the Telecommunications Act of 1996 and subsequent Commission rules, all television sets 13 inches or larger manufactured after January 1, 2000 are required to have V-chip technology. 47 C.F.R. § 15.120.

<sup>34</sup> The V-chip also is able to block based on the Motion Picture Association of America (“MPAA”) movie ratings, although most films that have not separately been edited for TV generally are shown only on premium channels not accessible to viewers with an over-the-air TV set or reliant on cable without a set-top box. The MPAA ratings are G: General Audiences; PG: Parental Guidance Suggested; PG-13: Parents Strongly Cautioned; R: Restricted; NC-17: No One 17 and Under Admitted.

Using a remote control, parents can program the television to block certain shows based on the content rating. The process for programming and enabling the V-chip is straightforward and effective. As a general matter, parents can usually access the V-chip through their television's on-screen menu options. From there, parents will be asked to designate a PIN code, which will act as a password to let them alter the V-chip settings. Parents can then select the ratings guidelines appropriate for their television and activate the V-chip.

In turn, blocking of a program occurs when a program rating is received that meets the pre-determined user preferences.<sup>35</sup> For example, if a user selects to block all programming that contains sexual (S) or violent (V) content, programs with such designations will not be able to be viewed on that television once the V-chip is engaged.

For parents seeking more information about how to use the V-Chip and other technologies, CEA is proud to be a sponsor of the website [TheTVBoss.org](http://TheTVBoss.org). At [TheTVBoss.org](http://TheTVBoss.org), parents can click to learn more about how to program television blocking controls, and how to establish media rules for their family. And, importantly, television manufacturers have made engagement of the V-chip an intuitive process for parents to quickly engage. Of course, easily digestible materials regarding use of the V-chip are also standard in television owner manuals and there are a number of additional web-resources available to parents as well.

#### **B. CEA and its Members Are Enabling a Flexible, Downloadable Technology that Accommodates Multiple Ratings Schemes**

In recent years, the CEA-766 standard has evolved to lay the groundwork for a flexible, “downloadable” rating system in the digital version of the V-chip. Although the *NOI* seeks

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<sup>35</sup> Program blocking entails muting the program audio, rendering the video indecipherable and eliminating program-related captions. *See* 47 C.F.R. § 15.120.

comment on “any improvements that could be made to the V-chip” and the implementation of a V-chip that can accommodate multiple ratings schemes, the present iteration of the V-chip *already* is capable of accommodating multiple ratings schemes.<sup>36</sup> Specifically, U.S. TV receivers presently have the ability to “download” or receive a new Rating Region Table (“0x05” or “RRT 5”) that could be used and updated to accommodate new ratings schemes. Stated differently, V-chip technology currently exists for broadcasters to transmit a new RRT and associated new ratings codes (“Content Advisory Descriptors”) to TV receivers, which can then be configured by parents to block programming in new ways. However, to fulfill the potential of this technology, additional standards work will be required to incorporate the ratings schemes into RRT 5.

**1. RRT 5 Enables Downloadable Ratings and Will Be Effective With Coordinated Effort**

The current iteration of the V-chip standard, ANSI/CEA-766-C, enables the downloadable V-chip, but human coordination is necessary to effectuate this capability. Coordination sets the rules of the road so that program creators, broadcasters, and television receiver manufacturers can provide a product that allows consumers to make use of program blocking functionality. This coordination necessarily comes through standards organizations, such as ATSC, which maps RRTs to countries, and CEA, which is responsible for the standard for the U.S. content rating system.<sup>37</sup>

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<sup>36</sup> NOI at ¶¶ 16, 21.

<sup>37</sup> Accordingly, the Commission has specifically embraced the work of ATSC and CEA through incorporation of the V-chip standard CEA-766 in its rules. Although the standard is currently at revision C dated April 2008, the rules reference the previous revision A, dated April 2001. *See* 47 C.F.R. § 15.120(d)(2).

In the *NOI*, the Commission aptly summarizes the history that led to the RRT standard as well as the issues presented by CEA's pending petition for reconsideration to be resolved in the Second DTV Periodic Review proceeding.<sup>38</sup> A rehearing of that proceeding is unnecessary here, but it is important to recognize that the downloadable V-chip is already embodied in RRT 5, part of the current V-chip standard.

The FCC already accomplished the most effective and parent-friendly way to permit flexible ratings when it required all TV receivers in the U.S. market to be designed to respond to a downloaded U.S. RRT. This RRT is identified ("0x05" or "RRT 5") in the current version of the CEA-766 standard, and TV receivers already have been built to respond to it. Thus, televisions that are manufactured today are currently capable of receiving information broadcast over the air that could be used to generate new, alternative rating schemes.

At the same time, however, the rating parameters for RRT 5 have not yet been defined. Before any new ratings scheme is offered by a third party (e.g., a parents media organization) as part of the downloadable V-chip, it would be necessary to reach a common understanding about the technical criteria to be used. CEA has long welcomed parties interested in discussing future ratings schemes to become involved with ATSC and CEA's standards-setting activities. New ratings service providers, content providers, and receiver manufacturers would need to come together to encode ratings schemes into RRT 5 so that the resulting configuration screens for blocking preferences are sensible and usable by consumers. As CEA has stated "these systems

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<sup>38</sup> See *NOI* at ¶ 21 n. 59; see also Consumer Electronics Association, Petition for Clarification and/or Reconsideration, MB Dkt. No. 03-15 (filed Nov. 3, 2004) ("CEA Petition for Reconsideration").

are complex and require considerable configuration and programming within the television community in order to ensure *a positive consumer experience – the ultimate goal.*”<sup>39</sup>

The *NOI* notes that some parties have “argued that V-chip requirements should ensure that there is ample space for future generations to extend the current ratings and develop new ones.”<sup>40</sup> Further, the Commission stated that it has “generally endorsed this concept by recognizing that the ability to modify the current rating system is beneficial and by requiring that television sets have the capacity to respond to changes in the TV ratings.”<sup>41</sup>

RRT 5 offers this functionality through its ability to support the coexistence of multiple, alternative ratings schemes.<sup>42</sup> A single RRT can have enough dimensions (rated aspects) to define parameters for several different ratings schemes, allowing multiple schemes to co-exist. Coordination among stakeholders is necessary, however. Importantly, the existing non-downloadable ratings system found in the V-chip, which uses the TV Parental Guidelines and is relied upon by parents today, would not disappear. RRT 5 merely offers a means to provide for additional ratings schemes for parents that would prefer other ratings.

Significantly, RRT 5 also provides a means for the V-chip to evolve as new ratings schemes are developed. RRT 5 contains a ‘version’ field to identify changes to the table. Thus, each time CEA publishes a revision to RRT 5, broadcasters can transmit the new table with the new version number, signaling to TV receivers that the rating system has been changed. In turn, viewers will be able to configure their new preferences. As a result, ratings organizations can

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<sup>39</sup> *Id.* at 9. (emphasis added)

<sup>40</sup> *NOI* at ¶ 21.

<sup>41</sup> *Id.*

<sup>42</sup> Conversely, having a separate downloaded RRT for every new, alternative ratings system would be unworkable for the consumer and would deter parents from using the controls.

and should work with CEA as the standards setting organization to fully explore and realize the possibilities of RRT 5.

**2. The Commission Should, in the Appropriate Forum, Examine the Intellectual Property Issues Related to Implementation of RRT 5**

Finally, with respect to the implementation of RRT 5, it is also relevant to consider outstanding intellectual property issues. As outlined in CEA's Petition for Reconsideration, it appears that as a result of the 2004 rule change, certain entities are expecting a financial windfall that television manufacturers, and ultimately U.S. consumers, may have to fund.<sup>43</sup> Yet, as the Commission has stated, "no mandatory standard should be so dependent on specific patent rights that the cost of that technology to the public would be adversely affected."<sup>44</sup>

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<sup>43</sup> See CEA Petition for Reconsideration at 6-9.

<sup>44</sup> *Digital Output Technology and Recording Method Certifications*, Order, 19 FCC Rcd 15876, 15916 (2004).

