

Telecommunications Alert: FCC Begins to Implement Child Safe Viewing Act of 2007

3/6/2009

This week, the FCC began to examine parental controls for video and audio programming delivered by cable, broadcast television, satellite, wireless, non-networked devices, video-game players, and the Internet. The FCC's action was mandated by Congress in the recently enacted Child Safe Viewing Act of 2007 ("CSVA").

The FCC is required to provide a report to Congress on its implementation of the CSVA by August 29, 2009. The deadlines for submitting comments and reply comments to the FCC's [Notice of Inquiry](#)¹ are April 16 and May 18, 2009, respectively.

Broad Scope of Inquiry Beyond Traditional FCC-Regulated Industries

The FCC asks for public comment on issues beyond its traditional regulatory oversight of broadcast, cable, and satellite television providers. It seeks potential ways content can be blocked over a wide variety of platforms it does not regulate, including video programming

- through recording devices like digital video recorders (DVRs), VCRs, and DVD players;
- over the Internet on a computer or wireless device;
- directly by a wireless carrier;
- on Internet video hosting sites; or
- through video-game players.

Broadcast, Cable, and Satellite Television Content

The FCC says surveys show that the current primary blocking tools for television content—the V-chip and the ratings systems—are not well understood or widely used. The FCC asks how to increase awareness, use, and ease of use of these tools, whether new blocking technologies could act independently of the current ratings systems, and if they could filter language based on information in closed captioning.

The FCC invites comment on the airing of inappropriate or adult-oriented commercials currently not rated using the TV Parental Guidelines during programming widely viewed by children.

The FCC also seeks comment on the blocking functionality contained in cable set top boxes, satellite receivers, and DVRs.

Wireless and Non-Networked Devices

The FCC asks about the effectiveness of guidelines the wireless industry has developed to restrict content inappropriate for children, what types of blocking or filtering technologies may be available for wireless devices in the future, and which technologies exist or are under development for DVD players and VCRs.

Internet Content

The FCC asks about advanced blocking technologies and parental empowerment tools for the Internet (such as tagging, labeling, and flagging content) and child “safety zones.”

Video Games

Finally, the FCC asks whether video blocking technology for video-game players and video games should be included in the scope of the proceeding, even though video-game players are not included among devices specifically identified in the CVSA, mentioned in the Senate report, or discussed in the Senate hearing on the CVSA.

Endnotes

¹ *Notice of Inquiry, In the Matter of Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming*, MB Docket No. 09-26, (FCC Mar. 2, 2009) (“Notice of Inquiry”).

Please contact your telecommunications attorney, or any of the attorneys identified below, if you have any questions regarding the FCC’s Notice of Inquiry or the Child Safe Viewing Act.

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