

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

In the Matter of)	
)	MB Docket No. 03-15
)	
Petition for Clarification and/or)	
Reconsideration (CEA))	
)	

Comments from Richard Kahlenberg in opposition to the CEA's attempt to limit flexibility in parental tools for digital television.

I am pleased to have this opportunity to submit comments to the FCC concerning violent television programming and the related issue of the V-chip and rating systems. I do regret that it is necessary to submit these comments, because a quite reasonable FCC Report and Order published on September 7th, 2004 has been challenged – and I think it should stand.

My comments are based on the insights I have gained during 15 years of publishing of weekly television viewing recommendations for parents with children of elementary, middle and high school age. A record of these selections is available in the archive sections of the following websites:

- www.latimes.com (Los Angeles Times –search “Archives” using my name)
- www.ask.com (search “Brainbox” at Ask Jeeves)
- www.whyville.net/mediamenu (Whyville Times)
- <http://hnma.net/pages/mediamenu.html> (Los Angeles Hollywood High School New Media Academy)

The standards and curricula that I use to select the programs I recommend are those which have been published online by State education authorities. California, New York and the District of Columbia have the strictest standards and they are widely copied in other states.

The text of the weekly list January 9, 2005 (appended below) is a current example. These columns appear under an introduction stating “*Some broadcast and cable programs contain material included in the public school curriculum and on standardized examinations. Here are this week’s home viewing recommendations.*”

A recent report in the press about what can result from these lists is also appended below.

I am well aware of the Government’s V-chip mandate, and the activities of so many people to produce the Report and Order which was published on the FCC website September 7th 2004. I was delighted by the reasoned approach of the Report and Order which appeared to provide for children and their parents the support and voice they need to take full advantage of the possibilities that are only starting to become evident in the digital transition.

My Work

For many years I have been involved in efforts to focus attention on the valuable resources and potential of television for educators and to parents. Those who have aided and assisted me include:

- The Center For Advanced Film and Television Studies of the American Film Institute (where I served as the Archivist and Administrative Director)
- The American Cinematheque
- New Media Academy – Hollywood High School – Los Angeles
- Millikan Middle School – Los Angeles
- Utah Street Elementary School – Los Angeles
- Cable In The Classroom – National Cable and Telecommunications Association
- Professor Tim Collings, inventor of the V-Chip
- Television Critics Association
- PBS, CNN, ABC, CBS, NBC, FOX

My Opposition to the CEA Petition

Like many, I have trouble understanding exactly what the Consumer Electronics Association (CEA) is trying to achieve by their Petition. After monitoring so much that has been written, and noting that so many people have participated in very

lengthy proceedings by the FCC, it's unclear to me how the CEA can adopt the stance of being surprised that the FCC has produced the Report and Order of September 7, 2004. In my opinion, the Report and Order provides protection for future generations as part of this transition to HDTV, and does so in a manner fairly balancing the interests of the business community and the public.

Further, it has great potential to aid the educationally-oriented work that I and others have been doing to bring content-rich programming to the attention of parents and students.

Given that the CEA is really a lobby group for electronics manufacturers, most of them located outside the United States, I fail to understand why the Association would single out one particular company (Tri-Vision, in this case) that might profit by the FCC's mandated digital transition. I have no shareholdings in Tri-Vision or any CEA company – foreign or domestic - but it is my understanding that many companies in the CEA's large membership stand to profit from the DTV transition. While I must confess to being unable to follow the entirety of the technical discussion related to what the CEA is trying to achieve, I have a clear impression that this lobby group is trying to diminish what the FCC has done to provide protections and media access tools for parents, children and educators in the U.S. I applaud the FCC for its tenacity in spending almost two years to give a considered opinion on how broadcasters should deal with the technical aspects of providing tools for parents to use in what is becoming a very complex medium. I further

applaud the FCC for addressing the very real concerns of many who have specific responsibilities for the welfare of children and children's educational interests by issuing a Report and Order on Broadcaster Obligations in Children's television published on the FCC website November 23, 2004. In those proceedings, the FCC Report and Order stated in part:

“We agree with those commenters that argue that DTV technical standards should not foreclose the implementation of changes to or improvements in the V-Chip system. We also believe that DTV technical standards should not foreclose the option of using V-Chip technology to support multiple rating systems. In our next periodic review of the status of the digital transition, we plan to address whether we should require digital broadcasters to embed E/I information in the core program stream so that this information can be sought by V-Chip or other technology.”

The CEA petition seems intent on introducing a very serious constraint on the technology available to broadcasters to meet their obligations to children and families. In the November 23rd Report and Order, the Commission has provided a first step by providing parents with icons identifying the educational and informational programming broadcasters are obliged to carry. That programming will expand exponentially as digital multi-streaming becomes a reality.

In my on-going conversations with broadcast and cable programmers – as recently as this month of January 2005 - as well as conversations with Professor Collings, I have come to understand that his V-chip invention can provide much more than it does at the moment. And while I applaud the ability it gives parents to strip unwholesome programming from the view of impressionable young minds, I have been truly excited at the further possibilities it presents – encouraging and enabling easier and wide-ranging access to age-appropriate educational and instructional programming. It can provide a positive selection option in addition to a negative blocking option. This is new and innovative and should be encouraged, not hindered, by industry.

The most important aspect of this technology is that it all happens at the parent's discretion, not by the force of government decree.

TiVo Concerns

The emergence of personal video recorders, such as TiVo, alters the current “safe haven” or “family hour” situation. The public's emerging ability to watch any programming at any time makes a parent's job of monitoring what their children are exposed to that much more difficult. To read in the CEA's comments submitted to the FCC an embrace of TiVo's effort to limit the range of technology tools that Americans can use to block or select this programming is troubling. The FCC Report and Order should be supported rather than challenged. The Report and

Order provides for aid in dealing with the challenges parents face in dealing with the expected multiple streaming and enormous increases in content. There will be more good television for children to watch, and the potential for a lot more harmful television.

The electronics industry is spending considerable resources to provide consumers in America with increased quality in the sound and picture, portability, and storage of television content. The CEA should be asked to balance its charge that V-chip is a burdensome cost to the American consumer with parallel statistics about how much the marketing campaigns of the electronics firms add to the cost of a digital television. Those figures would dwarf any sum devoted to providing the parental-choice features discussed in the Report and Order.

I attended the recent “chat” at the 2005 Consumer Electronic Show between CEA president Gary Shapiro and FCC Chairman Michael Powell. Chairman Powell stated that consumers should have “...mobile, interactive, and affordable access to their content any time, any place, any way. I tell my colleagues at the FCC to act based on this general rule: *“look at everything through the eyes and ears of the consumer.”* If I was at home and wanted to do this, why should the government say that I cannot?” He further added that “...you’re in a bad situation when you ask the government to write technical standards.” It appears to me, however, that the CEA is asking the government to do just that.

Conclusion

The Commission has an opportunity and the responsibility to provide for children in this digital transition. The Commission should remain steadfast in its intent to (as the January 2003 Notice put it) “...ensure that flexibility is maintained in any standard it adopts.” Rather than allowing the electronics industry to use the FCC to put constraints on flexibility in the digital standards, the FCC should ensure that the industry becomes part of the solution, by joining the major networks and the cable industry in finally beginning to promote and educate parents about the value and availability of the V-chip. The electronics industry should work to make parental tools in digital television easier to use, easier to deal with, and provide for the kind of innovations supporting the accessibility of worthwhile children’s television, educational, informative, interactive digital television that can benefit future generations.

The industry should be told that they have, just as broadcasters do, an obligation to children. The electronics industry short-term attempts to improve its bottom line at the expense of children and families needs must be resisted.

Addendum (from tvsmarts.com)

“Some broadcast and cable programs contain material included in the public school curriculum and on standardized exams.” Here are our Top 10 home viewing recommendations for January 9-15, 2005:

Sunday, January 9 8-9 pm E/P	PBS	Subjects: Natural Science/Geography	Middle and High School
“Nature: Violent Hawaii”			
This is a documentary about Hawaii. The beauty of the place was created by volcanoes on land and in the sea, by earthquakes and tsunamis. These forces. Continue to shape the islands today. A team of award winning film makers who live on the islands have covered volcanic eruptions, rivers of molten lava, monster waves, humpback whales and perhaps most surprising of all, snow.			

Sunday, January 9 8-9 pm E/P	NATGEO (National Geographic Channel)	Subjects: Natural Science/Geography	Middle and High School
“National Geographic Explorer The Perfect Swarm”			
This is a documentary about an area of West Africa under attack. The enemy is the worst insect plague in nearly a generation - hundreds of swarms--billions of locusts--are invading the continent, devouring virtually everything in sight. The program tracks a real-life plague of Biblical proportions that could eventually impact one in ten people on the planet.			

Monday, January 103 9-10 pm E/P	PBS	Subjects: American History	Middle and High School
“American Experience: Citizen King”			
Broadcast on the 75th anniversary of Martin Luther King's birth, this documentary explores the last five years in King's life — from his famous 'I Have a Dream' speech in 1963 to his assassination in 1968. It draws on the personal recollections and eyewitness accounts of friends, civil rights movement associates, journalists, law enforcement officers and historians, to illuminate this chapter in the story of one of America's most important and influential moral leader.			
Log on for more about American history including race relations, civil rights, regional political difference , federal government intervention in the states and more at: http://www.pbs.org/amex/mlk			

Monday, January 10 9-11 pm E/P	HIST (History Channel)	Subjects: American and World History	High School
“Time Machine: Invasion of Europe”			
<p>This is a documentary with historical reenactments depicting the 10 days prior to the World War II Allied invasion of Europe on June 6, 1944. Bad weather forced Eisenhower, the Allied Commander to cancel initial plans; Rommel, the German Commander went home for his wife's birthday; U.K. and U.S. paratroopers and commandos were briefed; and double agent “Garbo” sent his last deceptive messages to Germany. Based on David Stafford's book, the program we follow 10 ordinary lives over 10 extraordinary days. Interviews include a French Resistance fighter, British commandos and spies, and an U.S. paratrooper. (You’ll notice how young they all were during those ten days – barely more than high school age.)</p>			

Tuesday, January 11 7-8 pm E/P	HIST (History Channel)	Subjects: Science	Middle and High School
“Modern Marvels: Power Plants”			
<p>This documentary shows how mankind controls the environment in a variety of ways, whether by capturing the force of a river, harnessing the power in coal or oil, controlling a nuclear reaction, or transforming the light of the sun into electricity. From Thomas Edison and Nikola Tesla to Enrico Fermi and Albert Einstein, the world's greatest minds have enabled us to acquire our light, heat, and power with a simple flip of the switch.</p>			

Tuesday, January 11 8-9 pm E/P	PBS	Subjects: American History and Science	Middle and High School
“NOVA: The Boldest Hoax”			
<p>This documentary describes events in 1912, when amateur fossil hunter Charles Dawson made the claim that he'd discovered the bones of a primitive human in a gravel pit at Sussex, England. Believing this was the long-sought evidence of the "missing link" between apes and mankind, British scientists were suddenly at the forefront of the worldwide quest for human origins. It took 40 years for the truth to emerge: the “Piltdown Man” was an elaborate hoax – some say science's greatest fraud.</p>			
Further details at: http://www.pbs.org/nova/hoax			

Wed, January 12 7-8 pm E/P	HIST (History Channel)	Subjects: Social Science and Economics	Middle and High School
“U.S. Mints – Money Machines”			
How does America make money--literally? This documentary visits the United States Mint and the Bureau of Printing and Engraving to see the secretive government facilities where our legal tender is generated. With a storied past as tantalizing as the wealth they create, these mints can spit out fortunes in an hour and keep our economy flowing.			

Wed, January 12 8-10 pm E/P	PBS	Subjects: Music	Middle and High School
“Great Performances: Leonard Bernstein’s Candide”			
This is a broadcast of the New York Philharmonic’s semi-staged performance of the musical, based on Voltaire’s classic satirical novel Candide, with music by Leonard Bernstein. His protégé Marin Alsop will lead the production, and Broadway actor-director Lonny Price will stage the musical. The cast, drawn equally from the classical and musical-theater worlds, features soprano Kristin Chenoweth as Cunegonde, tenor Paul Groves as Candide, Stanford Olsen as Governor/Vanderdendur/Ragotski, Patti LuPone as the Old Lady and Sir Thomas Allen as Pangloss/Martin.			

Thur, January 13 8-10 ET, 5-7 pm PT	TCM (Turner Classic Movie Channel)	Subjects: American History	Middle and High School
“Abe Lincoln In Illinois”			
This is a classic movie (available also on video) about the early life of Abraham Lincoln - up to the time he got into politics, and against all odds, won election to the United States presidency in 1860. Based on the Pulitzer Prize winning 1938 play by Robert E. Sherwood, it covers thirty years starting in 1831 to Abe’s train ride to Washington, D.C., in 1861 as President elect. It stars Raymond Massey in a role he originated on stage, a Canadian by birth, who earned an Academy Award nomination as Best Actor for the movie performance.			

(New Media Academy Article)

More Than a Big Screen

* Hollywood High School students can move the classroom to the living room *

By [June Casagrande](#), October 6, 2004

Special to Campus Times , Los Angeles Times Special Section

It was the same dilemma faced by countless teenagers every day: hundreds of channels, but nothing on TV.

But unlike the ones who either opt to watch a rerun for a second time or pop in a DVD, Hollywood High School senior James Garay did something out of the ordinary. He decided to learn, to turn his own free time into an extension of the school day.

A new service by his school's New Media Academy made it as easy as sitting in front of the TV. For about a year now, the academy's electronic newsletter has contained a column that features carefully selected lists of recommended television programs, designed specifically to complement and supplement classroom learning.

"Our teacher had told us about the information on the website, so I just went online and looked to see what there was to watch," James said.

But unlike his uncle's suggestions, which frequently direct the college-bound 17-year-old to PBS, the website contained an up-to-date list of a week's worth of programs, complete with program descriptions, tailored to the in-class learning taking place at Hollywood High School.

"I picked the program about Hispanic culture in America and watched it; it was good," James said. "It definitely had a lot to do with our social studies and had a lot of stuff about my heritage as a Hispanic."

The program he watched -- Nick News' "Mi America: A Celebration of Hispanic Culture," hosted by award-winning journalist Linda Ellerbee and actor and comedian John Leguizamo -- was chosen specifically to coincide with Hispanic Awareness Month and lessons taking place in school on that same subject.

LEARNING IS FUN

New Media Academy Director Barbara Gordon, who works with freelance writer and media expert Richard Kahlenberg to compile and post the listings, said that the result is something far greater than just getting kids to watch educational programs.

"What we're really doing is extending the school day," Gordon said. "They are looking at this beyond the school day, in their own time, in their choice of location. So what we're doing is allowing them to pursue knowledge on their own time, outside of a classroom."

The message is a powerful one: When the school bell rings, learning doesn't end. Gordon and Kahlenberg want the students to know that education is part of their lives and their way of understanding the world around them.

The high school's New Media Academy has long operated under the philosophy that the classroom and the world are connected -- especially through the media. For example, students taking part in academy programs use the Internet for research; computer programs such as PowerPoint for creating presentations; and, eight times a year, they attend screenings of classic films at the nearby Egyptian Theater.

MAKING IT EASY

In order to find programs for the coming week, Kahlenberg often goes to the websites of networks such as the Discovery Channel and NBC, scanning for titles that fit in with current classroom curricula.

"The most important thing to note about these program selections is that this is something everyone can do for themselves," Kahlenberg said. "We try to make it easier by doing it for them, but there is a lot of good programming out there and all you have to do is look for it."

And every week, he hits the jackpot: Programs on explorations of Alaska's arctic wildlife refuge, understanding electricity, the creation of the solar system and questions of extraterrestrial life are just a few of the offerings to appear on the list.

"TV is a public medium and it's a current medium. It has issues of the day presented in a timely fashion," Gordon said. "So we can relate these directly to the content of their social studies or science or math classes. Students just need to be guided and directed toward these particular programs."

Students agree.

"I think it's pretty great," James said. "Sometimes I can watch dumb programs, but when I know about better stuff that's on, sometimes I'm going to want to watch it."

FYI:

To view the list of recommended programs, visit the New Media Academy's website <http://www.hnma.net>, scroll down to Quick Links and select Media Menu.