



Hearing on “Rethinking the Children's Television Act for a Digital Media Age”

United States Senate

Committee on Commerce, Science and Transportation

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Statement of John Lawson

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On behalf of

The National Association of Broadcasters

Good afternoon Chairman Rockefeller, Ranking Member Hutchison and members of the Committee. My name is John Lawson and I am the Executive Vice President of ION Media Networks, Incorporated. I am also a member of the Board of Directors of the National Association of Broadcasters (NAB), on whose behalf I am testifying today. NAB is a trade association that advocates on behalf of free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission (FCC) and other federal agencies, and the courts.

I am pleased to appear before you to speak about broadcasters' continuing dedication to children's television and to the groundbreaking efforts made by ION Media in this area. But before I discuss children's television, I want to thank this Committee for its leadership and commitment to the television industry switch to all-digital broadcasting. On June 12, some 971 full-power television stations in 195 markets ceased analog broadcasting. They joined the over 800 stations that had already made the switch, thereby completing the shift of all full-power television stations to digital broadcasting. America is the first large country in the world to complete the transition to digital television (DTV), and millions of households across the country are now enjoying dramatically better pictures and sound in digital. Free high definition broadcasts are also available in every market in the country with just an antenna and a DTV set. In addition, viewers now benefit from the hundreds of stations that use digital technology to air new, free (multicast) channels carrying a wide variety of programming, including news, weather, sports, and foreign language programming. And exciting new digital services, including Mobile DTV, are being developed and launched by America's broadcasters.

Utilizing the extra months made possible by the DTV Delay Act, NAB worked closely with the FCC, the Commerce Department's National Telecommunications and Information Administration (NTIA), state broadcast associations and the 241-member DTV Transition Coalition to extend a robust two and one-half year consumer education campaign that drove viewer awareness and action on the transition to near-universal levels. And I want to assure you that broadcasters will continue to work in the days and weeks ahead to resolve any remaining reception issues and lend a helping hand to consumers that still may need assistance.

I. ION Media Networks Has Created an Entire Broadcast Channel Dedicated to Serving Children and Families

ION Media Networks owns and operates the largest U.S. broadcast television station group and ION Television, the country's only independent broadcast television network. ION Television is broadcast on its owned stations in each of the top 20 U.S. markets and 39 of the top 50, reaching over 96 million U.S. television households. ION Media Networks has 59 full-power broadcast television stations.

Reflecting ION's dedication to serving the public interest with quality programming, we provide family-friendly, high-quality educational programming for kids and their parents. Our brand Qubo originated in May 2006 when ION, NBC Universal, Scholastic Entertainment, Corus Entertainment and Classic Media, announced their plan to launch a new entertainment network that views the FCC's children's educational and informational television requirements not as an obligation, but as the core of its proposition. Beyond ION's digital broadcasting outlets, this collaboration extends to an interactive website visited by millions of families every month, the educational, literary, and creative assets of Scholastic, and the combined content libraries and production

facilities of Nelvana, Classic Media, Big Idea, and NBC Universal, which also dedicated its Saturday morning lineups to Qubo programming. Additionally, Telemundo airs Qubo programming in Spanish on weekend mornings.

Qubo launched its dedicated 24-hour digital channel across ION's nationwide station group in January 2007. Since its debut, Qubo continues to be the only full-time children's television service that is distributed nationally, for free over-the-air on a 24/7 basis. Qubo features a line-up of popular educational children's programming from the libraries of Qubo's leading content partners, including Nelvana's *Jane and the Dragon*, NBC Universal's *Boo!*, Classic Media's *3-2-1 Penguins*, and Scholastics's *Dragon*. ION stations offer the Qubo channel on one of their free-over-the air digital broadcast feeds.

With its own dedicated channel, our goal at ION is that Qubo becomes a popular destination for children and their parents in the digital age, especially when Qubo expands its reach to other markets nationally by securing carriage on cable and satellite systems. Currently, AT&T's U-verse TV and Verizon FiOS TV, Mediacom Communications, several of Comcast's local systems, and a number of smaller cable systems carry Qubo. Speaking on behalf of ION, we hope this Committee will examine and support distribution for broadcasters like ION who are attempting to provide positive media alternatives for children and families.

II. Qubo Programming Serves the Needs and Interests of Children

Qubo is a groundbreaking bilingual, multi-platform entertainment destination for children, featuring programs that focus on literacy, values, and healthy lifestyles and that celebrate the unlimited possibilities of a child's imagination. A very high percentage of Qubo's 24/7 programming meets the FCC's educational and informational (E/I)

requirements. All of the programming aired on ION TV, NBC and Telemundo is E/I programming. Several of Qubo's most popular shows are also aired in Spanish on Telemundo on weekend mornings. Most of Qubo's shows are associated with popular children's books, and the network's interstitial programming also reinforces messages about early literacy and healthy living.

For example, Qubo recently voluntarily adopted a set of nutritional guidelines for acceptable foods that can be advertised on air. To create these nutritional guidelines, Qubo enlisted the help of nationally renowned author and expert on childhood obesity, Goutham Rao, MD., clinical director of the Weight Management and Wellness Center at the Children's Hospital of Pittsburgh and a member of the faculty at the University of Pittsburgh School of Medicine. The guidelines list acceptable nutritional intake limits for meals and snacks broken down by calories, grams of fat, as well as saturated and trans fats, sugar, protein, fiber and sodium. We are committed to combating childhood obesity through all of our networks, digital, online and mobile, and we hope that our guidelines send a strong message to parents, policy makers and business partners about our dedication to the wellness of America's kids.

Offering educational and informational programming is a responsibility that broadcasters take very seriously. We regard serving our child audiences as an integral part of our duty to serve the public interest. As parents, we recognize that our children are our most precious resource. And broadcasters are pleased with our collaboration with Congress, the FCC and children's advocates during the past several years to address challenging issues, such as the quantitative guidelines established by the FCC for stations' airing of children's E/I programming; appropriate displays of Internet

website addresses during children's programming; and limitations on preemptions of children's programming. NAB previously described some of the high quality, diverse programming offered by television stations throughout the country in a submission to the FCC, which is attached to my testimony.

At ION, we are very proud of the programming we offer, both at Qubo through our network partners at NBC Universal and Telemundo. Some examples of the outstanding educational and informational programming we air for young children include:

- *My Friend Rabbit (Mi Amigo Conejo)* is based on an award-winning book by the same title. The lead characters, Rabbit and Mouse, work together to tackle challenges that are characteristic of the childhood experience. In each episode they face a unique dilemma that compels them to think creatively about how to approach and solve their problem by trying out different solutions and persisting with new ideas when one fails.
- By reaching pre-kindergarten and early elementary students, *The Zula Patrol (La Patrulla Zula)* can provide a critical foundation in understanding science concepts and content. This television program provides science education and character building lessons in an entertaining format through characters that travel in space. The Zula Patrol's comprehensive program addresses the national call for science literacy education among the very audience for whom research demonstrates that early intervention is the most effective.
- *321 Penguins (321 Penguinos)* features two children, Jason and Michelle, whose vacation at their grandmother's cottage ends up being more adventurous than they expect when their toy spaceship with four toy penguins comes to life. Each story begins with a moral dilemma that affects one of the siblings' relations with the other, and ends after the children have learned an important social emotional message through their adventure. The show communicates messages on topics such as honesty, being patient with others, and jealousy.
- Based on the popular books by Laurent de Brunhoff, *Babar* is an animated show about a young orphaned elephant who finds the strength to rise above the challenges he faces as he journeys through life. Babar and his family experience many challenges and they learn to rise above them through strength and optimism. Each episode of the show communicates social emotional messages that draw upon the bond of family and combine traditional values with a modern lifestyle.

- *Turbo Dogs (Perros Turbo)* is an animated show based on the books *Racer Dogs* by Bob Kolar. The series follows a group of six dogs from Racerville who love to compete with one another in races. In each story, one or more of the dogs encounter and solve problems that teach them social emotional lessons on good sportsmanship, teamwork, cooperation, playing fair, and friendship using action and humor. The show also imparts information on the mechanics of racing, such as directionality and the concepts of time and distance. The tags at the end of each episode reiterate and establish the educational message learned by the dogs.
- *Postman Pat* takes place in an English village and mines the social interdependencies of rural life for teaching children about problem solving and getting along with others. Postman Pat has a mail route that takes him throughout the countryside delivering mail and advice to his constellation of neighbors. While Pat may encounter a problem of his own, he also frequently comes to the aid of his friends and family who run into seemingly unfixable dilemmas drawn from everyday life. Within each episode, the characters learn, for example, how to get things done on time, fulfill their commitments, work cooperatively as a team, have confidence in their abilities, and are inclusive of others in order to get along. Children will see adults and children living and interacting with others respectfully and thoughtfully in trusting and kindhearted relationships.
- Set in medieval times, *Jane and the Dragon* is an animated show that hails from Martin Baynton's best-selling book about a middle class girl named Jane. Jane is raised in the Royal Court as a Knight in Training after she demonstrates her courage by leaving the castle to conquer the local dragon. In each episode, Jane encounters a challenge that tests her problem solving skills and requires her to demonstrate her strength of character as a Knight of the King's Guard. Sometimes Jane learns a moral lesson, and other times she uses her analytical ability to illustrate how a problem can be made less complicated and easily solved.

Beyond its quality television offerings, Qubo also maintains an interactive website, www.Qubo.com, that extends Qubo's educational programming beyond the television set. The website content includes episodes and clips from series including those listed above. In addition to these videos, and information about Qubo programming, the website maintains web-based games which are free to play online and are based on show characters and themes. Some of these games are educational,

such as Babar's Painting Game, which promotes creativity, and problem-solving puzzle games, such as Babar's Hedge Maze and Zephir's Card Trick. The Qubo website is compliant with the Children's Online Privacy Protection Act and other safety measures to help protect children.

III. Broadcasters' Commitment To Children Is Exemplary

Broadcasters' service to children in their local communities goes well beyond the airing of educational, informational and entertainment programming. From fundraisers, to public service announcements (PSAs) to community outreach, every day across the nation, radio and television stations are committed to ensuring that they serve child audiences and address issues affecting children and their families. Here are some recent examples of broadcasters' service:

- Evan Thompson had a wish very close to the heart of the staff at WGCL-TV in Atlanta, Ga. The child with neuroblastoma wanted his own television show. WGCL lent the use of its studio, and with the help of Make-A-Wish, Thompson's dream came true. As media sponsor for all local Make-A-Wish events, WGCL has a hand in bringing hope and joy to many young Atlantans. PSAs, live remotes, news stories, website support and staff participation in Make-A-Wish events are all part of the partnership. The station aids with fundraising by promoting the annual Celebration of Wishes Gala on the air. This past year, anchor Bill Gaines emceed the event, which raised \$350,000. During the holiday season, the station participated in the "Stories of Light Wish-A-Thon," a five-day news campaign, which allowed children to tell their wish stories and encouraged viewers to visit the station website and donate to the foundation. Money raised goes toward the 400 wishes planned this coming year for local children. "A dedicated and dynamic media partner to Make-A-Wish, WGCL has effectively spread the word about our wish children," said Chandra McLean, communications and marketing manager for Make-A-Wish Foundation of Georgia and Alabama. "We have received numerous emails and phone calls from people in the community who have been motivated to share the power of a wish after tuning in to WGCL and watching children's dreams become reality."
- Helping children find "forever homes" is one of the many ways KDAF-TV in Dallas, Texas, puts its community first. The station's "A Child to Love" program, which involves the Gladney Center for Adoption and the Texas Department of Family and Protective Services, is now in its third year. Each week, a child in

need of a permanent home is featured during the Monday "News at Nine" broadcast. The station promotes the segment with PSAs profiling the child and through the station's website. Since its inception, the station has shared the stories of 167 children, 74 of whom have found permanent homes. Last year, the station celebrated the airing of its 100th child profile with its Dolls & Balls Toy Drive, Easter Egg Hunt and Adoption Expo. At the event, viewers donated toys for children in foster care, 100 foster children participated in an egg hunt and information about adoption was distributed to prospective families. The station's efforts to produce, promote and air "A Child to Love" total more than \$160,000 in donated airtime annually. KDAF was the recipient of the 2007 Bonner McLane Public Service Award presented by the Texas Association of Broadcasters.

- Whether it's a tip on how to wear a bike helmet properly or encouragement to stand up and tell the truth, KUSI-TV in San Diego, Calif., has dedicated a regular PSA series to its youngest audience. The station's "Tips for Kids" campaign provides advice on an array of topics and airs each Saturday during the station's children's programming. In addition to tips featuring KUSI news anchors and reporters, this year the station gave kids the opportunity to share tips with their fellow youngsters by inviting all first- through sixth-grade teachers in the county to write PSAs with their classes. Morning meteorologist Renee Kohn, accompanied by a camera person, visited each school to record the announcements. During these classroom visits, the children also appeared live on "Good Morning San Diego," where they were able to pass along their tips to the many adults tuned in throughout the viewing area.
- The creativity of staff at KNIN-TV in Boise, Idaho, provided Northwest Children's Home with an award-winning PSA, which uses animation to show the safe haven the organization represents for troubled girls. These animated drawings have become the "face" of the group's brand. The detailed process of creating the PSA started with the station arranging for still photos to be taken of models; these photos were transformed into line drawings and, finally, animation accompanied by a voiceover that explains what the organization does and how the community can support it. The station has played the PSA year-round for three years, updating it as needed. In the upcoming year, when the children's home celebrates its 100th year, the station will provide 30-second spots that feature the achievement. Northwest Children's Home also receives inclusion of its events and fundraisers on the station's community calendar and a link to the organization from the station's website.¹

IV. Broadcasters Are Looking Ahead to the Next 20 Years of Children's Television

¹ Numerous other examples of broadcasters' service to their communities generally and to children specifically can be found at <http://www.broadcastpublicservice.org/campaigns.asp>.

Broadcasters remain fully committed to providing quality children's educational and informational programming. Simultaneously with their on-going efforts to serve children and the public interest, local broadcasters are striving to ensure economic survival during these challenging times for broadcast stations and, indeed, for all advertising-supported media. Television stations are developing exciting new digital applications, such as new free, digital channels and Mobile DTV, to retain and attract viewers in a rapidly changing media environment. If anything, reaching young viewers may be broadcasters' greatest challenge because children and teenagers today routinely utilize other media, especially DVDs, the Internet and video games.

Clearly, the electronic media landscape has changed dramatically since the Children's Television Act of 1990² was first enacted. According to SNL Kagan, in 1990 cable and satellite penetration was at less than 58 percent; today it is at nearly 84 percent. Full time children's cable channels such as *Nickelodeon*, *Noggin*' and the *Disney Channel* were not available. The Internet and its vast offerings simply did not exist for consumers. In addition to all the child-oriented video programming available through other platforms, broadcasters are providing an abundance of high quality programming meeting the needs of children, as detailed in NAB's attached comments to the FCC. And of course in any discussion of children's television, we must make special mention of the educational programming aired by our noncommercial educational stations, which have enriched the lives of American children with programs such as *Sesame Street*, *Clifford the Big Red Dog* and *Maya and Miguel*. Public

² Children's Television Act of 1990, Pub.L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. §§ 303a, 303b, 394.

television stations have also begun to utilize their multicasting capabilities to aim channels at child audiences.

Today, children and parents have at their disposal a multitude of broadcast and non-broadcast choices for video programming specifically designed for children. Technological developments will also continue to aid parents in selecting appropriate video programming for their children. We agree with Senator Pryor about the importance of continued innovation in this area. Both NAB and ION are participating in the FCC's current examination of parental control technologies, on which the agency will report to Congress later this year. The television industry voluntarily developed the current TV parental guidelines over a decade ago as a simple-to-use ratings system to help parents manage the television viewing of their children. The industry has invested substantial resources in educating parents about the ratings system and the V-chip, and has established a Monitoring Board to respond to consumer questions and complaints about the guidelines and to help ensure that the ratings are applied as accurately and consistently as possible to television programs. As a result of these efforts, the overwhelming majority of parents are aware of the guidelines and the V-chip, and the vast majority of parents using these tools find them to be helpful in managing their children's television viewing.³

Furthermore, there are a number of other tools available to parents today (including cable and satellite set-top boxes) for monitoring their children's viewing of video programming. Additional tools are coming to market for a variety of video platforms, and the government can play an important role in encouraging the use and

³ See The Henry J. Kaiser Foundation, *Parents, Children & Media: A Kaiser Family Foundation Survey*, at 8, 10, 20-21 (June 2007).

development of such technologies. However, government intervention, in the form of a mandatory ratings system or technology mandates, would likely deter innovation and investment in new solutions and limit parental options for supervising their children's television viewing.

In light of all these developments, broadcasters urge this Committee to look carefully at how children receive their educational, informational as well as entertainment programming in the current diversified, online and broadband-enriched environment. Policymakers must take all these far-reaching technological and marketplace changes into account when evaluating the children's programming requirements placed on local television stations.⁴ Given today's diverse array of video options, children may well prefer to receive their programming from non-broadcast sources such as cable channels dedicated to kids' programming, DVDs or on-line. Thus, children's programming regulations applicable only to local television stations may not serve child audiences or the public interest effectively.

If this Committee were to consider changes to the Children's Television Act, it should examine the full range of video content – both broadcast and non-broadcast – available to children and their parents today before taking action. Only after carefully examining today's diverse digital, multichannel, multi-screen video marketplace could Congress make reasoned determinations about any need for and the costs and benefits of altering the obligations imposed on the nation's free, over-the-air broadcasters. In

⁴ See, e.g., *Children's Television Report and Policy Statement*, 50 FCC 2d 1, 23-24 (1974), *aff'd sub nom. Action for Children's Television v. FCC*, 564 F.2d 458 (D.C. Cir. 1977) (when examining the state of children's programming in the 1970s, the FCC looked at the three commercial television networks, network-affiliated stations, independent stations, public television stations "[w]here available," and syndicators producing programming for these stations).

this regard, I note that the FCC has already adopted new rules that apply the Children's Television Act to the digital age.⁵

Broadcasters deeply value our commitment to America's children and we will continue to create programming to serve their needs in the digital age. I thank you very much for the opportunity to appear before this Committee and I look forward to answering any questions this Committee may have.

⁵ See *In the Matter of Children's Television Obligations Of Digital Television Broadcasters*, Second Report and Order and Order on Reconsideration, MM Docket No. 00-167 (Sept. 29, 2006) (the FCC established quantified E/I guidelines for each multicast digital channel broadcast free over-the-air; limited the display of Internet Website addresses during children's programming; and revised its policies on promotions during children's programming with respect to commercial limits). This Order was the result of the collaborative efforts of industry, government and advocacy groups.