

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Children’s Television Programming Rules)	MB Docket No. 18-202
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105
)	

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ comments on the Commission’s Public Notice² regarding the accessibility of children’s educational and informational television programming to children with disabilities following the 2019 amendments to the Commission’s children’s programming rules.³ The 2019 amendments allowed broadcasters the flexibility to air a limited amount of short-form programming⁴ and up to 13 hours per quarter of regularly scheduled weekly programming on a multicast stream toward their children’s programming obligations.⁵ The Commission recognized concerns expressed by some commenters that these changes would adversely impact the availability of accessible educational and informational programming.⁶ Specifically, some commenters expressed

¹ NAB is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Media Bureau Seeks Information on Accessibility of Children’s Educational and Informational Programming*, Public Notice, MB Docket Nos. 18-202 and 17-105, DA 21-1115 (Sept. 7, 2021) (Notice).

³ *Children’s Television Programming Rules; Modernization of Media Regulation Initiative*, Report and Order, 34 FCC Rcd 5822 (2019) (Report and Order).

⁴ *Id.* at 5847-48, ¶¶ 41-42.

⁵ *Id.* at 5849, ¶ 44.

⁶ *Id.* at 5843 nn. 135-36, 5851-52 nn. 187-188.

concern that some short-form programming and regularly scheduled weekly programming aired on multicast streams could be exempt from the Commission’s closed captioning rules and would not be audio described.⁷

In response to these concerns, the Commission emphasized that under the revised rules, broadcasters still would be required to air the substantial majority of children’s programming on their primary streams and encouraged broadcasters to make short-form programming and regularly scheduled weekly programming aired on multicast streams accessible to children with disabilities where possible.⁸ The Commission also directed the Media Bureau to issue this Notice to “monitor the extent to which Core Programming remains accessible to children with disabilities.”⁹

The Notice therefore inquires about the extent to which short-form children’s programming and regularly scheduled weekly children’s programming aired on multicast streams is closed captioned and audio described.¹⁰ The Notice also seeks comment on “any changes in the broadcast industry since our revised children’s television rules were adopted that have affected the extent to which children’s educational and informational programming is accessible.”¹¹

⁷ See *id.* at 5843 n. 135 (describing concerns that short-form programming may fall into one of the exemptions from the Commission’s closed captioning requirements for certain short-form programming found in 47 CFR §§ 79.1(d)(6) and d(8)); *id.* at 5842-43, ¶ 34 n. 136, nn. 187-188 (explaining commenters’ concerns with respect to a potential decline in audio described children’s programming).

⁸ *Id.*

⁹ *Id.* at n. 188. “Core Programming” is educational and informational programming that satisfies the criteria set forth in 47 CFR § 73.671(c).

¹⁰ See Notice at 2.

¹¹ *Id.*

To NAB's knowledge, the 2019 amendments have had little to no impact on the availability of children's programming that is accessible to children with disabilities. It is our understanding that the vast majority of, if not all, children's programming remains closed captioned as broadcasters have continued to meet the children's programming obligations by airing programming that is 30 minutes or greater in length and therefore does not qualify for any exemption to the closed captioning rules applicable to short-form programming. In addition, NAB understands that most, if not all, children's programming aired on multicast streams also is closed captioned.

We further believe that the 2019 rule changes have not had any significant impact on the availability of children's programming that is audio described. Although broadcasters may air up to 13 hours per quarter of regularly scheduled weekly programming on a multicast stream, as the Commission recognized, broadcasters must meet the children's programming requirements by airing the substantial majority of core programming on their primary stream.¹² NAB understands that many broadcasters continue to air more than two thirds of their core programming requirements per week on their primary stream while also airing additional children's programming on multicast streams. To the best of our knowledge, the programming aired on primary streams is closed captioned and audio described to the same extent it was before the 2019 revisions came into effect. In addition, some, but not all, children's programming aired on multicast streams may also be audio described. For instance, in situations where a children's program is moved from a primary

¹² See Report and Order, FCC Rcd. at 5851 n. 187 ("However, as discussed above, there is a wealth of children's educational and informational programming available today on free, over-the-air broadcast television, and each broadcast station will still be required to air at least two-thirds of its Core Programming on its primary stream. Therefore, we expect that there will still be a plentiful supply of educational and informational programming that is accessible to children with visual or hearing disabilities.").

stream to a multicast stream, any audio description is typically passed through on the multicast stream. NAB's review of Children's Television Programming Reports also indicates that some broadcast stations have aired particular blocks of children's programming on multicast streams that NAB understands may be audio described.

In short, NAB's understanding is that the 2019 amendments have not had a significant impact on the availability of accessible children's programming. Accordingly, there is no need for further Commission action at this time.

Respectfully submitted,

**NATIONAL ASSOCIATION OF
BROADCASTERS**
1 M Street, SE
Washington, DC 20003
(202) 429-5430



Rick Kaplan
Patrick McFadden
Larry Walke
Emily Gomes

October 7, 2021