



To All Television Clients

March 26, 2007

FCC Steps up Issuance of Forfeitures and Admonishments for Violations of Children's Television Obligations

The Media Bureau recently issued Notices of Apparent Liability ("NALs") to the licensees of nine television stations, and admonished three others, for failure to comply with various aspects of the FCC's children's television rules. All of the violations were reported in the stations' license renewal applications.

(1) Failure to place in the station's public file all required records concerning compliance with children's programming requirements.

A television station is required to place in its public inspection file copies of its quarterly Children's Television Programming Reports (FCC Form 398), as well as records sufficient to substantiate the station's compliance with the children's television commercial limits. The Media Bureau issued NALs to five television stations for apparent violations of this rule. The forfeitures ranged from \$8,000 (public file was missing records of compliance with the commercial limits for seven quarters) to \$17,500 (public file was missing Children's Television Programming Reports for 4 quarters, commercial limits compliance records for 11 quarters, and issues/programs lists for 15 quarters, and one commercial limits violation, in the form of a program-length commercial).

(2) Failure to publicize the existence and location of the quarterly Children's Television Programming Reports.

A television station is required to publicize in an appropriate manner the existence and location of its quarterly Children's Television

Programming Reports. Three stations were issued NALs for failure to comply with this requirement. The amount of the forfeiture assessed depended on the duration of the violation:

<u>Duration</u>	<u>Forfeiture</u>
4 Years	\$3,500
6 Years	\$7,000
8 Years	\$10,000

(3) Failure to provide publishers of program guides information identifying children's programming.

A television station is required to provide information identifying its core programming that is specifically designed to educate and inform children, as well as the target age group for each such program, to publishers of television program guides. The Media Bureau assessed a \$7,000 forfeiture to a television station that failed to provide the required information over a period of approximately six years.

(4) Failure to comply with commercial limits in children's programming and airing program-length commercials.

FCC rules require commercial television stations to limit commercial matter during children's programming to 10 ½ minutes per hour on weekends and 12 minutes per hour on weekdays. In addition, if a commercial for a product is aired during a program associated with that product, the entire program will be

counted as commercial time, rendering it a program-length commercial.

The FCC assessed an \$8,000 forfeiture to a station that reported in its license renewal application six violations of the FCC's commercial limits, including three 30-second and one 90-second overages, and two program-length commercials. A second station was assessed an \$8,000 forfeiture for broadcasting three program-length commercials.

Finally, three stations that each reported two commercial limits violations (one station reported one 30-second overage and one program length commercial; the remaining two reported one 80-second overage and one program-length commercial) were not assessed forfeitures, but instead were admonished because the violations appeared to be "isolated occurrences."

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These decisions illustrate the FCC's increased focus on enforcement actions and the assessment of forfeitures for violations of the FCC's rules, particularly violations of the children's television requirements. In order to avoid violations like these and prevent the imposition of substantial forfeitures and delays in the grant of your license renewal application, you should carefully review your continued compliance with the children's television rules on a regular basis, including ensuring that all required documents are placed in your station's public inspection file, compliance with the children's television commercial limits and the requirement that information on children's programming be provided to program guide providers.

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This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired. To discuss any of the issues presented here, please contact John Poutasse (202) 416-6774 or any other attorney in our office.