

Opening Remarks of Commissioner Kevin J. Martin
Family Programming Forum
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Good morning, and thank you for inviting me to participate in this discussion. I look at my fellow panelists and fear I may not have the appropriate credentials to be up here with you all. But I do believe this topic is extremely important, and I am honored to be able to share my views with you. I also hope to learn from you what the FCC can do to promote even more family-friendly programming.

As you all know, the amount of programming options that a television viewer has today is staggering. On broadcast television alone, the network choices have now doubled from ABC, NBC and CBS to include FOX, UPN, WB and PAX. Much of their programming is excellent, and a few of the networks – ABC and PAX in particular – are making a real effort to deliver programming that families can enjoy together. I commend them for this effort.

Of course, consumers now have many TV options in addition to broadcast. Over 85% of homes subscribe to a multichannel video programming provider – *i.e.*, cable or satellite. These providers offer access to hundreds of quality programming channels, including everything from HBO to the History Channel to scores of local and niche programming channels. Much of this programming has expressly targeted families, and children in particular. For example, channels from Animal Planet to Nickelodeon provide children entertainment and informational programming.

This growth in viewing options over the last few decades has resulted in a welcome increase in television diversity. Unfortunately, that growth has been accompanied by a corresponding rise in the amount of programming less suitable for children, as well. To the dismay of many parents, the increased competition for viewership has led many networks to increase the amount of coarse programming targeting an adult audience, and to decrease the family-friendly programming they provide their viewers. This shift is particularly notable during prime time viewing hours, when families are most likely to gather around the television together. And the trend becomes even more disturbing in light of the numerous studies that have documented the harm that such programming – particularly violent television – can have on young people.

As a result, parents wanting to watch broadcast television with their children at the end of the day may feel like they have fewer options, despite all the growth over the last decades. And parents subscribing to cable or satellite have their own set of problems: in order to purchase the family-friendly programming, they are forced to buy much programming that is *not* as family-friendly.

I even wonder whether the mounting apprehension about the increase in coarse television programming is related to some of the concerns we have been hearing about media concentration. Are executives more willing to put on questionable programming

when they know that they won't see you and your family at the local grocery store tonight, at the game on Saturday, or at church on Sunday?

We at the FCC need to address these issues. We need to do more.

Now, the FCC does not have express statutory authority governing family-friendly programming. But I don't believe that renders us powerless. At a *minimum*, we need to use the bully pulpit to persuade broadcasters, cable operators, and satellite providers to re-think their approach to family-friendly programming. I challenge each industry to respond. And in particular, I offer two concrete proposals.

First, I believe the time has come for us to call on broadcasters to reinstate the Family Viewing Hour. Such a policy existed in the US from 1975 to 1983, as part of the NAB Code of Conduct for Television. In 1983, the NAB's Code was challenged on antitrust grounds for reasons wholly unrelated to the family viewing policy. But when the NAB Board of Directors ultimately cancelled the Code in its entirety, the Family Viewing Hour went with it. And so I challenge broadcasters to resurrect this policy. Devote the first hour of "prime time" to programs that parents and children can enjoy together. Give parents one hour, five days a week, when they can turn to broadcast television with comfort, confidence, and enthusiasm.

As the panelists here today demonstrate, high-quality family-friendly programming is produced. Broadcasters need to embrace it. PAX has done so, and has demonstrated that such programming can form the foundation of a viable business model. ABC has taken significant steps in this direction through its "Family Hour" strategy. Fortunately for ABC – and for us – this strategy has proven to be a commercial success.

Broadcast, however, cannot be the end of the story. In a world in which over 85% of homes receive their television programming through pay-TV, programming from these distributors clearly has become pervasive. I believe cable operators and satellite providers, too, must rethink their level of responsibility to the viewing public. Although they do offer excellent programming for children, they package these channels together with ones that provide programming that some find objectionable. Thus, in order to receive family, news and general entertainment programming, parents have to allow programming into their house that they believe is not appropriate for their children. And even worse, they must pay for that programming, too!

Blocking technologies such as the V-Chip were once hailed as a potential solution to this problem. Unfortunately, studies have shown that their adoption rate has been very low. Few parents know about these technologies, and of those that do, fewer still can figure out how to make them work. Now some in the industry are heralding digital cable as the new panacea. However, penetration of digital cable is not yet widespread. It is therefore too soon to tell whether consumers will actually learn about this function once digital cable is more prevalent, whether this capability will prove sufficiently user-friendly to become an effective tool, or whether the blocking mechanism will be too easily circumvented.

I therefore urge cable and DBS operators adopt a new approach to family-friendly programming. I propose that these providers offer an exclusively family-friendly programming package as an expanded tier. Such a package might include ABC Family,

Disney Channel, Nickelodeon, Discovery, History Channel, National Geographic, CNN, Fox News, Food Network, ESPN, C-SPAN, etc. (of course, there are many, many more family-friendly channels out there). Existing premium channels, such as HBO Family, could be offered, as well, either as part of the package or as an additional purchase. As a result, subscribers who are interested only in programming they can enjoy with their family would finally have a way to purchase only that programming. Other subscribers, however, could continue to have the same options they have today.

Alternatively, cable and DBS operators could offer programming in a more a la carte fashion. They would permit parents to request not to receive certain programming that is sold as part of a package, and they would reimburse the parents for that programming. Parents could then purchase additional channels on an individual basis. The combined result would enable parents to receive (and pay for) only that programming they are comfortable bringing into their home.

Under either alternative, parents would benefit greatly. They would enjoy the greatly increased choices and high quality programming available through MVPDs, while knowing that the programming they receive would be something the family could watch together. And they would no longer be required to pay for programming that they believe is unsuitable for their children.

In summary, television over the last four decades has developed into a vastly expanded medium, with more choice and excellent content. Certainly, viewers are better off today than in decades past. The viewing picture nevertheless leaves much to be desired by parents seeking family friendly programming. Broadcasters and MVPDs can change this picture, and I encourage them to take up my challenge, and provide parents more and better options. We all will benefit.