

Most FCC KidVid Rule Changes Become Effective on September 16, 2019

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Previously, we summarized the changes to the Federal Communications Commission's (FCC or Commission) rules governing children's television, or the so-called KidVid rules. The FCC's Order has now been published in the Federal Register, meaning the effective date for most of the new rules will be September 16, 2019. Specifically, the obligation to air three hours of children's educational and informational programming on each of a television station's digital multicast channels will expire on that date. In addition, broadcasters will be able to count children's educational programming aired as early as 6 a.m. toward the broadcaster's three hours per week quota for such programming and will be able to meet that three-hour requirement with up to one hour of programming broadcast on a multicast channel. A number of other changes, particularly in the ability of a broadcaster to compute its compliance based on a quarterly obligation rather than a weekly one and liberalizing the preemption rules, also will become effective on September 16.

Because certain of the changes impose new or different paperwork requirements, they will not take effect until they are approved by Office of Management and Budget pursuant to the Paperwork Reduction Act. Therefore, the change in reporting obligations to an annual instead of a quarterly FCC filing remains pending. The FCC is expected to issue additional guidance about how (or whether) to complete the next quarterly FCC Form 398 children's television programming report, which is currently due October 10. Similarly, the rule amending the obligation to inform program guides about certain aspects of children's programming (including the ages to which the programs are targeted) is still being reviewed.

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The FCC also voted on a Further Notice of Proposed Rulemaking (FNPRM) seeking comment on "a framework under which television broadcast stations could satisfy their children's programming obligations by relying, in part, on special efforts to produce or support children's educational and informational programming aired on other stations in their markets." Comments are due by September 16; reply comments by October 15. If you have any questions about the revisions to the KidVid rules, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the attorneys listed on this client alert.