

## INSTRUCTIONS FOR FCC 398

### CHILDREN'S TELEVISION PROGRAMMING REPORT

#### GENERAL INSTRUCTIONS

##### Introduction.

This FCC Form is to be used to provide information on the efforts of commercial television broadcast stations, including Class A television stations, to provide children's educational television programming as required by the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, 394, and the Commission's regulations implementing that statute. See Report and Order in MM Docket No. 93-48, 11 FCC Rcd 10660 (1996); Report and Order and FNPRM in MM Docket No. 00-167, 19 FCC Rcd (2004).

##### Applicable Rules and Regulations.

Before this form is prepared, the licensee should review the relevant portions of Sections 73.671, 73.673, and 73.3526(e)(11)(iii) in Title 47 of the Code of Federal Regulations (C.F.R.). Copies of Title 47 may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. You may telephone the GPO Customer Service Desk at (202) 512-1800 for current prices. Licensees should make every effort to file complete forms in compliance with the rules. Replies to questions on this form and the licensee's statements constitute representations on which the FCC will rely in considering the renewal of the licensee's television broadcast authorization. Thus, time and care should be devoted to all replies, which should reflect accurately the licensee's efforts to provide children's educational television programming as required by the Children's Television Act of 1990 and the Commission's rules.

##### Preparation and Retention of Reports.

Pursuant to 47 C.F.R. Section 73.3526(e)(11)(iii), each commercial television broadcast licensee must prepare a Children's Television Programming Report for each calendar quarter reflecting efforts made by the licensee during the quarter, as well as efforts planned for the next quarter, to serve the educational and informational needs of children. The licensee must place a copy of each quarterly report in its station's public inspection file by the tenth day of the succeeding calendar quarter (i.e., by April 10 for the first

quarterly report; by July 10 for the second quarterly report; by October 10 for the third quarterly report; and by January 10 for the fourth quarterly report). All entries on the report must be typed or legibly printed in ink. The signed original of each report should be retained in the station's non-public files, and a copy placed in the public inspection file. The reports must be separated from other material in the public inspection file, and the licensee must publicize in an appropriate manner the existence and location of these reports.

##### Filing Reports with the Commission.

FCC Form 398 must be filed electronically with the Commission on a **quarterly** basis on the following dates: April 10 for the first quarterly report; July 10 for the second quarterly report; October 10 for the third quarterly report; and January 10 of the succeeding year for the last quarterly report.

FCC Form 398 can be file electronically over the Internet by accessing the FCC Web site at <http://www.fcc.gov>, selecting Electronic filing from the menu (above the Headlines banner), then selecting the Children's Television Programming Report (FCC Form 398). Follow the instructions on that page for the electronic preparation and filing of the FCC 398 report.

No fee is required to file this report.

##### Incorporation by Reference.

Licensees may **NOT** incorporate by reference data, documents, exhibits, or other showings already on file with the FCC. All applicable items on this form must be answered without reference to a previous filing.

##### Children's Television Act Program Requirements.

Pursuant to the Children's Television Act and 47 C.F.R. Section 73.671(a), each television broadcast station licensee has an obligation to serve, over the term of its license, the

*All previous editions obsolete.*

educational and informational needs of children through both the licensee's overall programming and programming specifically designed to serve such needs. Licensees are required to publicize the availability of their programming specifically designed to educate and inform children in accord with 47 C.F.R. Section 73.673 and to report on these programs and related matters in accord with 47 C.F.R. Section 73.3526 (e)(11)(iii).

Educational and informational television programming is defined in 47 C.F.R. Section 73.671(c) as programming that furthers the educational and informational needs of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/emotional needs. **Core Programming** is defined as educational and informational programming that is specifically designed to serve the educational and informational needs of children and that also satisfies the following criteria:

- (1) the program serving the educational and informational needs of children ages 16 and under as a significant purpose;
- (2) the program is aired between the hours of 7:00 a.m. and 10:00 p.m.;
- (3) the program is a regularly scheduled weekly program;
- (4) the program is at least 30 minutes in length;
- (5) the program is identified as specially designed to educate and inform children by the display on the television screen throughout the program of the E/I symbol;
- (5) the educational and informational objective of the program and the target child audience are specified in writing in the licensee's Children's Television Programming Report, as described in 47 C.F.R. Section 73.3526(e)(11)(iii); and
- (6) instructions for listing the program as educational/informational, including an indication of the age group for which the program is intended, are provided to publishers of program guides.

#### **For Assistance.**

For assistance with FCC Form 398, contact the Video Services Division of the Media Bureau at the FCC, Washington, D.C. 20554, Telephone Number (202) 418-1600.

#### **INSTRUCTIONS FOR SPECIFIC ITEMS ON FCC FORM 398**

**Question 1:** The licensee should provide its current call sign, channel number, and community of license, including city, state, county, and zip code, as set forth in its license authorization. The licensee should also provide its licensee name, indicate the station's license renewal expiration date,

indicate the call sign used on the preceding Children's Television Programming Report prepared for the station (if different from the current call sign), check the appropriate box indicating whether it is a network affiliate (if so, identify the affiliated network) or an independent station, and indicate the name of the Nielsen DMA in which the station is located. In addition, if the licensee has a World Wide Web home page, it should provide the address. The licensee should also provide the station's Facility ID Number.

**Question 2:** Indicate the average number of hours per week of core programming broadcast by the station over the past calendar quarter. Generally, in assessing whether a commercial television broadcast licensee has complied with its programming obligations under the Children's Television Act of 1990 (CTA), the Commission employs a processing guideline. For analog stations, a licensee that has aired at least three hours per week of **Core Programming**, as averaged over a six-month period, shall be deemed to have satisfied its obligation to serve the educational and informational needs of children and shall have the CTA portion of its license renewal application approved by the Commission's staff.

**Question 3:** Indicate whether the licensee provides information identifying each core program and its target child audience to publishers of program guides and, if so, list those program guide publishers.

**Question 4:** For each core program aired by the station during the calendar quarter for which this report is being prepared, set forth in Form Question 4 the following information: the title of the program; whether the program is originated by the station or its affiliated network, or is syndicated; the days and times the station regularly schedules the program; the program length (in minutes); the total number of times the program aired at its regularly scheduled time during the quarter; and the number of times the program was preempted during the quarter. If the program was preempted during the quarter, the station should complete a "Preemption Report," included in this form, for each preempted core program. The licensee should also indicate the ages of the target child audience; and include a description of the educational and informational objective of the program, as well as a discussion of how the program meets the definition of core programming set forth in 47 C.F.R. Section 73.671(c). For a qualifying regular series a general description of the series should be sufficient so long as the description is adequate to provide the public with enough information about how the series is specifically designed to meet the educational and informational needs of children.

**Question 5:** For each program aired by the station during the preceding calendar quarter that is specifically designed to meet the educational and informational needs of children

ages 16 and under, but does not meet one or more elements of Core Programming, set forth in Form Question 5 the following information: the title of the program; whether the program is originated by the station, its affiliated network, or is syndicated; the days and times the program aired during the quarter; the program length (in minutes); the total number of times the program aired during the quarter; if preempted and rescheduled during the quarter, the date and time the program aired; the ages of the target child audience (if applicable); a description of the program; and an indication of whether the program has educating and informing children ages 16 and under as a significant purpose. For any such program, state whether the licensee identifies the program with the symbol E/I and whether information is provided to publishers of program guides consistent with 47 C.F.R. Section 73.673.

**Question 6:** Pursuant to 47 C.F.R. Section 73.671(b), in addition to airing core and non-core educational and informational children's programming a licensee may contribute to satisfying its obligation under the Children's Television Act by engaging in special efforts to produce and support educational and informational television programming aired by another station in the licensee's marketplace. List the name(s) of any core program(s) aired by other stations that are sponsored by the licensee, and identify the call letters and channel number of the station(s) airing the sponsored core program(s). Indicate whether the amount of total core programming aired on the other station(s) has increased as a result of the sponsored programming. A licensee will receive credit for special sponsorship efforts only if it can demonstrate that its production or support of such core programming aired on another station in its market increased the amount of core programming on the other station. In addition, for each core program sponsored by the licensee, set forth in Question 6 the following information: the title of the program; whether the program is originated by the station for which this report is filed or its affiliated network, or is syndicated; the days and times the program was regularly scheduled; the program length (in minutes); the total number of times the program aired during the quarter; the number of times the program was preempted during the quarter; if the program was preempted and rescheduled during the quarter, the dates and times the program aired; the ages of the target child audience; and a description of the educational and informational objective of the program, as well as a discussion of how the program meets the definition of core programming in 47 C.F.R. Section 73.671(c).

**Question 7:** Commercial television broadcast station licensees providing digital programming are required to serve the educational and informational needs of children. On their main program stream, digital broadcasters are subject to the same three hours per week core programming processing guideline as applies to analog broadcasters. See Question 2.

**Question 8:** In addition to the core programming processing guideline that applies to the main program stream, DTV broadcasters that provide additional streams or channels of free video programming, beyond that provided on their main program stream, also have the following guideline applied to their additional programming: one-half hour per week of additional **Core Programming** for every increment of 1 to 28 hours of free video programming provided in addition to the main program stream.

**Question 9:** See Question 3.

**Question 10:** See Question 4.

**Question 11:** In addition, for purposes of the CTA processing guideline for digital stations, at least 50% of **Core Programming** counted toward meeting the additional programming guideline (applied to free video programming aired on other than the main program stream) cannot consist of program episodes that have already aired within the previous seven days either on the station's main program stream or on another of the station's free digital program streams. Any program stream that merely time shifts the entire **Core Programming** line-up of another program stream is exempt from this requirement. In addition, during the digital transition, **Core Programs** that are aired on both the analog station and a digital program stream are not considered repeated programs.

**Question 12:** See Question 5.

**Question 13:** See Question 6.

**Question 14:** For each analog and digital program the station plans to air during the next calendar quarter that meets the definition of core programming, set forth in Form Question 14 the following information: the title of the program; whether the program will be originated by the station or its affiliated network, or will be syndicated; the days and times the program will be regularly scheduled; the program length (in minutes); the total number of times the program will be aired during the quarter; the ages of the target child audience; and a description of the educational and informational objective of the program, as well as a definition of how it meets the definition of core programming set forth in 47 C.F.R. Section 73.671(c).

**Question 15:** Indicate whether the licensee publicizes the existence and location of the station's Children's Television Programming Reports as required by 47 C.F.R. Section 73.3526(e)(11)(iii).

**Question 16:** Pursuant to 47 C.F.R. Section 73.3526(e)(11)(iii), licensees must identify the individual at the station responsible for collecting comments on the station's compliance with the Children's Television Act. Provide the

name, address, telephone number, and the internet mail address (if available) of this individual.

**Question 17:** Provide any other comments or information you wish the Commission to consider in evaluating whether the licensee has met its obligations under the Children's Television Act and the Commission's rules. This may include, but is not limited to, information on any non-core educational and informational programming that the station plans to air during the next calendar quarter, as well as information on any existing or proposed non-broadcast activities that the licensee believes enhance the educational and informational value to children of the licensee's educational programming.

**Preemption Reports.** As indicated in Questions 4 and 10, if a core program was preempted during the quarter for any reason, the licensee should complete a Preemption Report for each preempted core program. The Report should include the following information: the title of the program; the total number of times the program was aired during the quarter (including the number of times the program aired at its regularly scheduled date and time and the number of times any rescheduled programs aired); the number of preemptions during the quarter; and the number of preemptions rescheduled during the quarter. The Report should also indicate, for each preempted episode of the core program: the date the episode was preempted; if rescheduled, the date and time the episode was rescheduled; if rescheduled, whether promotional efforts were made to notify the public of the rescheduled date and time; and whether the rescheduled date is the program's "second home" as described in letters, dated July 11, 1997, from Roy J. Stewart, Chief, Mass Media Bureau, to: Martin D. Franks, Senior Vice President, Washington, CBS, Inc.; Alan Braverman, Senior Vice President and General Counsel, ABC, Inc.; Rick Cotton and Diane Zipurky, NBC, Inc. The Report should also indicate for each preempted episode the reason for the preemption.

#### **FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT**

We have estimated that each response to this collection of information will take 12 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0754), Washington, DC 20554. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid

OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0754.

**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. Section 3507.**

**FCC 398**

**CHILDREN'S TELEVISION PROGRAMMING REPORT**

Report reflects information for quarter ending (mm/dd/yy)

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<b>1. Call Sign</b>	<u>Channel Numbers</u>	<u>Community of License</u>									
	Analog _____	City	State	County	ZIP Code						
	Digital _____										
Licensee											
<input type="checkbox"/> Network Affiliation: _____ <input type="checkbox"/> Independent		Nielsen DMA	World Wide Web Home Page Address (if applicable)								
Facility ID Number	Previous Call Sign (if applicable)		License Renewal Expiration Date (mm/dd/yy)								
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**Analog Core Programming**

2. State the average number of hours of Core Programming per week broadcast by the station. See 47 C.F.R. Section 73.671(c).

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3. a. Does the licensee provide information identifying each Core Program aired on its station, including an indication of the target child audience, to publishers of program guides as required by 47 C.F.R. Section 73.673?

Yes  No

b. Identify publishers who were sent information in 3.a.

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4. Complete the following for each program that you aired during the past three months that meets the definition of Core Programming. Complete chart below for each Core Program.

Title of Program:		Origination		
		Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times aired at regularly scheduled time	Number of Preemptions	If preempted, complete Analog Preemption Report	
Length of Program: _____ (minutes)				
Age of Target Child Audience from _____ years to _____ years.				
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.				
Does the Licensee identify the program by displaying throughout the program the symbol E/I? <input type="checkbox"/> Yes <input type="checkbox"/> No				

## Non-Core Educational and Informational Programming

5. Complete the following for each program that you aired during the past three months that is specifically designed to meet the educational and informational needs of children ages 16 and under, but does not meet one or more elements of the definition of Core Programming. See 47 C.F.R. Section 73.671. Complete chart below for each additional such educational and informational program.

Title of Program:			Origination		
			Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times aired	Number of Preemptions	If preempted and rescheduled, list date and time aired.		
			Dates	Times	
Length of Program: _____ (minutes)					
Age of Target Child Audience from _____ years to _____ years.					
Describe the program.					
Does the program have educating and informing children ages 16 and under as a significant purpose? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, does the Licensee identify each program by displaying throughout the program the symbol E /I? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If Yes, does the licensee provide information regarding the program, including an indication of the target child audience, to publishers of program guides consistent with 47 C.F.R. Section 73.673? <input type="checkbox"/> Yes <input type="checkbox"/> No					

## Sponsored Core Programming

6. List Core Programs, if any, aired by other analog stations that are sponsored by the Licensee and that meet the criteria set forth in 47 C.F.R. Section 73.671. Also indicate whether the amount of total Core Programming broadcast by another station increased.

Name of Program	Call Letters of Station Airing Sponsored Program	Channel Number of Station Airing Sponsored Program	Did total programming increase?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

For each Core Program sponsored by the Licensee, complete the chart below.

Title of Program:			Origination		
			Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times aired	Number of Preemptions	If preempted and rescheduled, list date and time aired.		
			Dates	Times	
Length of Program: _____ (minutes)					
Age of Target Child Audience from _____ years to _____ years.					
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.					
Was the program identified by the display throughout the program of the symbol E/I? <input type="checkbox"/> Yes <input type="checkbox"/> No					

## Digital Core Programming

7. a. State the average number of hours of Core Programming per week broadcast by the station on its main program stream.
- b. Did the Licensee broadcast on its main digital program stream the same Children's Core Programming provided on its analog channel?  Yes  No
- c. If Yes to 7b, the Licensee certifies that the representations and children's program information provided with respect to its analog channel apply equally with respect to its main digital program stream.  Yes  No

If No to 7c, submit as an Exhibit a Statement of Explanation.

See explanation in Exhibit No. \_\_\_\_\_

8. a. State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.
- b. State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream. See 47 C.F.R. Section 73.671.
9. a. Does the Licensee provide information identifying each Core Program aired on its station, including an indication of the target child audience, to publishers of program guides as required by 47 C.F.R. Section 73.673?  Yes  No
- b. Identify publishers who were sent information in 9.a.

10. Complete the following for each program that you aired during the past three months that meets the definition of Core Programming. Complete chart below for each Core Program.

Title of Program:		Origination		
		Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times aired at regularly scheduled time	Number of Preemptions	If preempted, complete Digital Preemption Report	
Length of Program: <span style="float: right;">(minutes)</span>				
Age of Target Child Audience from _____ years to _____ years.				
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.				
Does the Licensee identify the program by displaying throughout the program the symbol E/I? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>				

11. Does the Licensee certify that at least 50% of the Core Programming counted toward meeting the additional programming guideline (applied to free video programming aired on other than the main program stream) did not consist of program episodes that had already aired within the previous seven days either on the station's main program stream or on another of the station's free digital program streams?  Yes  No

If No, submit as an Exhibit a Statement of Explanation setting forth the number of repeats in excess of the repeat limit and the times and dates the episodes involved were aired.

See explanation in Exhibit No. \_\_\_\_\_

## Non-Core Educational and Informational Programming

12. Complete the following for each program that you aired during the past three months that is specifically designed to meet the educational and informational needs of children ages 16 and under, but does not meet one or more elements of the definition of Core Programming. See 47 C.F.R. Section 73.671. Complete chart below for each additional such educational and information program.

Title of Program:			Origination		
			Local	Network	Syndicated
			If preempted and rescheduled, list date and time aired.		
Days/Times Program Regularly Scheduled:	Total times aired	Number of Preemptions	Dates		Times
Length of Program: (minutes)					
Age of Target Child Audience from _____ years to _____ years.					
Describe the program.					
Does the program have educating and informing children ages 16 and under as a significant purpose?					<input type="checkbox"/> Yes <input type="checkbox"/>
If Yes, does the Licensee identify each program by displaying throughout the program the symbol E/I?					<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the Licensee provide information regarding the program, including an indication of the target child audience, to publishers of program guides consistent with 47 C.F.R. Section 73.673?					<input type="checkbox"/> Yes <input type="checkbox"/> No

## Sponsored Core Programming

13. List Core Programs, if any, aired by other stations that are sponsored by the Licensee and that meet the criteria set forth in 47 C.F.R. Section 73.671. Also indicate whether the amount of total Core Programming broadcast by another station increased.

Name of Program	Call Letters of Station Airing Sponsored Program	Channel Number of Station Airing Sponsored Program	Did total programming increase?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

For each Core Program sponsored by the Licensee, complete the chart below.

Title of Program:			Origination		
			Local	Network	Syndicated
			If preempted and rescheduled, list date and time aired.		
Days/Times Program Regularly Scheduled:	Total times aired	Number of Preemptions	Dates		Times
Length of Program: (minutes)					
Age of Target Child Audience from _____ years to _____ years.					
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.					
Was the program identified by the display throughout the program of the symbol E/I?					<input type="checkbox"/> Yes <input type="checkbox"/> No



## Other Matters

14. Complete the following for each analog and digital program that you plan to air for the next quarter that meets the definition of Core Programming. Complete chart below for each Core Program, identifying whether it is to be broadcast on the station's analog or digital channel or both channels.

Title of Program:		Origination		
		Local	Network	Syndicated
Days/Times Program Regularly Scheduled:	Total times to be aired	Length of Program	Age of Target Child Audience:	
		(minutes)	from ____ years to ____ years	
Describe the educational and informational objective of the program and how it meets the definition of Core Programming.				

15. Does the Licensee publicize the existence and location of the station's Children's Television Programming Reports (FCC 398) as required by 47 C.F.R. Section 73.3526(e)(11)(iii)?  Yes  No

16. Name of children's programming liaison:

Name	Telephone Number (include area code)	
Address	Internet Mail Address (if applicable)	
City	State	Zip Code

17. Include any other comments or information you want the Commission to consider in evaluating your compliance with the Children's Television Act (or use this space for supplemental explanations). This may include information on any other non-core educational and informational programming that you aired this quarter or plan to air during the next quarter, or any existing or proposed non-broadcast efforts that will enhance the educational and informational value of such programming to children. See 47 C.F.R. Section 73.671, NOTES 2 and 3.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).**

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Licensee (print)	Signature
Date	

## ANALOG PREEMPTION REPORT

Complete the chart below for each Core Program listed in Question 4 of FCC 398 that was preempted during the last three months.

Title of Program:		
Total Times Aired	Number of Preemptions for other than Breaking News	Number of Preemptions Rescheduled
Date Preempted/Episode #	If rescheduled, date and time rescheduled	Is the rescheduled date the second home?  <input type="checkbox"/> Yes <input type="checkbox"/> No
If rescheduled, were promotional efforts made to notify the public of rescheduled date and time? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Reason for Preemption:  <input type="checkbox"/> Public Interest <input type="checkbox"/> Sports <input type="checkbox"/> Non-breaking News <input type="checkbox"/> Other		

## DIGITAL PREEMPTION REPORT

Complete the chart below for each Core Program listed in Question 9 of FCC 398 that was preempted during the last three months.

Title of Program:		
Total Times Aired	Number of Preemptions for other than Breaking News	Number of Preemptions Rescheduled
Date Preempted/Episode #	If rescheduled, date and time rescheduled	Is the rescheduled date the second home?  <input type="checkbox"/> Yes <input type="checkbox"/> No
If rescheduled, were promotional efforts made to notify the public of rescheduled date and time? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Reason for Preemption:		
<input type="checkbox"/> Public Interest <input type="checkbox"/> Sports <input type="checkbox"/> Non-breaking News <input type="checkbox"/> Other		