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Barbara Kreisman
Chief, Video Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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JUN 20 2016

Federal Communications Commission
Bureau / Office

Re: NBC Television Network
Children's Programming and Network Scheduling
2015-2016 Television Season

Dear Ms. Kreisman:

In the *Memorandum Opinion and Order* that adopted the terms of a negotiated agreement among broadcast networks and children's television advocacy groups, the Commission ruled that a broadcast network may continue to obtain limited preemption flexibility with respect to core children's educational and informational programming in order to accommodate potential scheduling conflicts between that programming and network sports programming.¹ Consistent with the *2006 Order* and past practice, NBCUniversal ("NBCU") hereby requests continued preemption flexibility with respect to the NBC Network for the 2015-2016 television season, which will include the presentation of the Summer Olympics from Rio de Janeiro during three weeks in August 2016.² Because the NBC Network will be

¹ See *Children's Television Obligations of Digital Television Broadcasters*, Second Order on Reconsideration and Second Report and Order, 21 FCC Rcd 11065, 11076-77 (2006) ("2006 Order").

² See, e.g., Letter to Barbara Kreisman, Chief, Video Division, Media Bureau, from Margaret Tobey, Vice President, NBCUniversal (dated September 2, 2014); Letter to Barbara Kreisman, Chief, Video Division, Media Bureau, from Margaret Tobey, Vice President, NBCUniversal (dated September 30, 2013); Letter to Barbara Kreisman, Chief, Video Division, Media Bureau, from Margaret Tobey, Vice President, NBCUniversal (dated October 19, 2012); Letter to Barbara Kreisman, Chief, Video Division, Media Bureau, from Margaret Tobey, Vice President, NBCUniversal (dated October 6, 2011); Letter to

broadcasting the Summer Olympics in August 2016, NBC affiliates will require additional flexibility with respect to this special programming.

In the children's programming proceeding that concluded with the negotiated agreement between broadcast networks and children's advocacy groups approved by the Commission in 2006, children's advocates agreed that "major sport events such as the Olympics" generally merited additional flexibility.³ Based on the current network sports schedule, which is subject to change, the children's programming will be preempted during three weekends in August while the Summer Olympics are being presented. Stations may be able to reschedule certain of the preempted episodes in the two weeks prior to and following the Olympics, but probably not during the weeks of Olympics coverage. There also may be circumstances in which stations may not be able to reschedule all episodes preempted by Olympics coverage. As with other sports-related preemptions, the Network intends to work with the stations to ensure that preempted episodes are made available in a manner that facilitates the rescheduling of that programming by the affected stations, as described more fully below.

Children's Programming on the NBC Network

Core educational and informational programming is currently provided by the NBC Network to its owned television stations and affiliates via a three-hour block of programs known collectively as "NBC Kids," which is targeted to children ages two to five years.⁴ "NBC Kids," which launched on July 7, 2012, is a Saturday morning programming block designed specifically to address the developmental needs of preschool-aged children. Programmed by Sprout,⁵ the block currently features six educational series that promote active, healthy

Barbara Kreisman, Chief, Video Division, Media Bureau, from Margaret Tobey, Vice President, Regulatory Affairs, NBC Universal, Inc. (Amended and Updated) (dated Sept. 28, 2010), 2008); Letter to Barbara Kreisman, Chief, Video Division, Media Bureau, from Margaret Tobey, Vice President, Regulatory Affairs, and F. William LeBeau, Senior Regulatory Counsel, NBC Universal, Inc. (dated July 31, 2008); Letter to Barbara Kreisman, Chief, Video Division, Media Bureau, from Margaret Tobey, Vice President, Regulatory Affairs, NBC Universal, Inc. (dated August 15, 2007); Letter to Ms. Diane Zipursky, Washington Counsel, National Broadcasting Company, Inc., from Roy J. Stewart, Chief, Mass Media Bureau, 13 FCC Rcd 20,986 (dated Oct. 29, 1998).

The submission of the instant request was delayed while scheduling information was being finalized, particularly with respect to the three weekends affected by the Summer Olympics as described in more detail below. In addition, the undersigned has been engaged in ongoing discussions with the staff regarding the impact of NBC sports programming on the scheduling of children's programming.

³ See *Children's Television Obligations of Digital Television Broadcasters*, Second Order on Reconsideration and Second Report and Order, 21 FCC Rcd 11065, 11077 (2006).

⁴ See <http://www.nbc.com/nbc-kids>

⁵ Sprout, which is owned by NBCUniversal, LLC, is the first 24-hour preschool destination available on television, on-demand and online for children ages 2-5 and their parents and caregivers. See <http://www.sproutonline.com/>.

lifestyles for younger children: “Ruff Ruff, Tweet and Dave,” “Astroblast,” “Nina’s World,” “Noodle & Doodle,” “Floopals,” and “The Chica Show.” The NBC Network highlights “NBC Kids” programming on the main NBC website at <http://www.nbc.com/nbc-kids/>. In addition, promotional and other information regarding upcoming episodes frequently airs during the “NBC Kids” programming block.

Core Program Scheduling on the NBC Network for the 2015-2016 Television Season

With respect to the 2015-2016 season, the NBC Network provides core programming pursuant to an established schedule that makes the programming readily accessible to our owned stations, affiliates and viewers. Currently, this schedule includes three separate feeds of the three-hour “NBC Kids” block on Saturday mornings. Feed 1 is a “pre-feed” offered at 4:00 AM ET, before the broadcast day begins. Feed 2 is transmitted at 10:00 AM ET, and Feed 2 is transmitted at 11:00 AM ET. The multiple feeds give the stations in all time zones substantial flexibility in scheduling the core programming. The pre-feed, which is never preempted by sports or other programming and which can be recorded locally for later broadcast, ensures that NBC-affiliated stations have access to all six “NBC Kids” programs in that day’s block for rescheduling purposes on occasions when one or both of the later feeds may be partially or wholly preempted by sports programming on the NBC Network.

The NBC Network provides advance notice to its affiliates of sports programming that may affect “NBC Kids” programming and encourages its affiliates to provide their local audiences advance notice of any planned scheduling changes through on-air announcements and updates to the affected station’s local listing services. The Network also recommends that its affiliates reschedule any preempted programs into a “second home.” If a second home is not available within one week (or, in some cases, two weeks) of the preemption,⁶ the NBC Network encourages its affiliates to reschedule the preempted program at another time within core hours. As noted above, and in order to facilitate the airing of “NBC Kids” programming, the NBC Network makes available multiple feeds of “NBC Kids” episodes to all NBC affiliates so they have the flexibility to reschedule the episodes at the time deemed most suitable by the local affiliate. The Network’s Affiliate Relations team also works closely with the affiliates to accommodate their needs for scheduling flexibility with respect to sports programming that may be less time-sensitive, thereby reducing the number of children’s core program preemptions.

⁶ The Bureau has previously acknowledged that unusual circumstances may necessitate rescheduling within two weeks of the preemption. See, e.g., Letter to Mark W. Johnson, Associate General Counsel, CBS Corporation, from Roy Stewart, Chief, Mass Media Bureau, 13 FCC Rcd 20980, 20983 (1998) (“Johnson Letter”), or, in extraordinary circumstances, may preclude certain episodes from being rescheduled.

Sports Programming on the NBC Network in the 2015-16 Television Season

The NBC Network is presenting a variety of premier sporting events on free, over-the-air television in the 2015-16 television season, including the third season of Barclay's Premier League Soccer and the inaugural season of the British Open on NBC, culminating with the 2016 Summer Olympics in Rio. The presentation of premier sporting events has become a key element in the success of ad-supported free, over-the-air broadcast networks and their affiliated stations. In connection with the Comcast/NBCUniversal transaction, the NBC affiliates negotiated an agreement that included a commitment on the part of Comcast and NBCUniversal that the NBC Network would "maintain the public's free, over-the-air access to 'Major Sporting Events,'" defined as major professional sports, Olympic events, and college or amateur sporting events with ratings generally consistent with major professional sports.⁷ The Commission incorporated this commitment as a condition of its approval of the Comcast/NBCUniversal transaction.⁸

The NBC broadcast network's planned coverage of the Rio Summer Olympics includes three Saturdays in August 2016. With respect to the BPL coverage, all 380 games of the 2015-16 season are being presented on a variety of NBC platforms, including the NBC broadcast network, the NBC Sports Network, the Telemundo broadcast network, NBC Universo,⁹ USA and CNBC cable networks and various digital platforms. However, only a small percentage of those games are being presented on Saturdays on the NBC and Telemundo broadcast networks.¹⁰

NBC has worked diligently to schedule the BPL games, the Rio Summer Olympics and other sports programming to minimize their impact on the Saturday morning core programming, including by (1) truncating the Saturday morning version of "The Today Show" where necessary; (2) re-scheduling the vast majority of affected episodes at the NBC Network level (thereby avoiding placing that burden on the individual affiliates); and (3) establishing a regular pattern for the rescheduled episodes preempted by the BPL games. Only 25 of the Saturday BPL games (approximately 6.6%) are being presented on the NBC broadcast network during the 2015-16 season (with the remainder presented on the other NBC platforms described above), and none of these will preempt core programming on Feed 2.¹¹ (Of course,

⁷ See "Applications of Comcast Corp., General Electric Co., and NBC Universal, Inc. for Consent to Assign Licenses and Transfer Control of Licensees," *Memorandum Opinion and Order*, 26 FCC Rcd 4238, 4371 (Appendix A) and 4430 (Appendix F) (2011).

⁸ *Id.*, Appendix A.

⁹ NBC Universo, NBCUniversal's bilingual cable network, was formerly known as "mun2," which was rebranded in February 2015.

¹⁰ These and the other international events on the Network's schedule typically require scheduling flexibility with respect to morning or mid-day start times because of the time-sensitive nature of the coverage and the logistical challenges presented by the substantial time zone differences between the United States, the United Kingdom and Europe.

¹¹ The Telemundo broadcast network is presenting approximately 40 of the BPL games.

as noted above, Feed 1 of the E/I programming is always transmitted in its entirety for recording and subsequent broadcast by the stations.) As described in more detail below in the Quarter-by-Quarter Analysis, the BPL games will result in the rescheduling, at the NBC Network level, of one core program on each of Feeds 2 and 3 pursuant to a regular pattern (in essence, a second home) that will enable parents to easily find the programming and will result in the preemption of one hour of programming on Feed 3.

Although the NBC Network cannot guarantee that its affiliates will air “NBC Kids” programming at the times or in the manner provided by the Network, we anticipate that, based on the NBC Network’s current sports schedule from mid-August 2015 through mid-August 2016, the number of potential core programming preemptions for the coming season for which the Network requests scheduling flexibility will be generally comparable to such preemptions during prior seasons that include both BPL and Olympics programming.

Quarter-by-Quarter Analysis¹²

In the third quarter of 2015, the NBC Network launches the third season of BPL soccer games, which will result in the rescheduling, pursuant to the established pattern described above, of one episode on each of Feeds 2 and 3 and the preemption of two episodes on Feed 3 on August 8, August 15, August 22, August 29 and September 12 (rescheduling Feed 2’s 12:30 PM ET show to 9:30 AM ET, preempting Feed 3’s 9:30 AM PT and 10:00 AM PT shows, and rescheduling Feed 3’s 10:30 AM PT show to 7:30 AM PT). On September 5, the NBC Network presents the Dew Tour of Action Sports, which will preempt the last half-hour of Feed 3. In addition, two golf events will result in the rescheduling of one episode on each of Feeds 2 and 3 and the preemption of two episodes on Feed 3. These events are the BMW Championship (September 19, rescheduling Feed 2’s 12:00 PM ET and 12:30 PM ET shows to 9:00 AM ET and 9:30 AM ET, preempting Feed 3’s 9:00 AM PT and 9:30 AM PT shows, and rescheduling Feed 3’s 10:00 AM PT and 10:30 AM PT shows to 7:00 AM PT and 7:30 AM PT) and the Tour Championship (September 26, also rescheduling Feed 2’s 12:00 PM ET and 12:30 PM ET shows to 9:00 AM ET and 9:30 AM ET, preempting Feed 3’s 9:00 AM PT and 9:30 AM PT shows, and rescheduling Feed 3’s 10:00 AM PT and 10:30 AM PT shows to 7:00 AM PT and 7:30 AM PT).

In the fourth quarter of 2015, the NBC Network presents a number of sporting events that will result in the preemption of some episodes of programming on Feeds 2 and 3 as well as an earlier start time for some Feeds. These events include the President’s Cup Golf – Korea (October 10, rescheduling Feed 2’s 12:00 PM ET and 12:30 PM ET shows to 9:00 AM ET and 9:30 AM ET, preempting Feed 3’s 9:00 AM PT and 9:30 AM PT shows, and rescheduling Feed 3’s 10:00 AM PT and 10:30 AM PT shows to 7:00 AM PT and 7:30 AM PT), the Rugby World Cup Final (October 31, rescheduling Feed 2’s 12:00 PM ET and 12:30 PM ET shows to 9:00 AM ET and 9:30 AM ET, preempting Feed 3’s 9:00 AM PT and 9:30 AM PT shows, and rescheduling Feed 3’s 10:00 AM PT and 10:30 AM PT shows to 7:00 AM PT and 7:30 AM PT), the Ironman

¹² The Network schedule is dynamic; therefore, the schedule set forth herein is subject to change by the Network.

Triathlon (November 14, preempting the last half-hour of Feed 3) and ten BPL games on October 3, October 17, October 24, November 7, November 21, November 28, December 5, December 12, December 19 and December 26 (rescheduling Feed 2's 12:30 PM ET show to 9:30 AM ET, preempting Feed 3's 9:30 AM PT and 10:00 AM PT shows, and rescheduling Feed 3's 10:30 AM PT show to 7:30 AM PT, all in accordance with the established pattern described above).

In the first quarter of 2016, NBC presents a number of sporting events that will result in some preemptions and some earlier start times. BPL soccer games on January 2, January 16, January 23, February 6, February 27 and March 12 will result in the rescheduling of Feed 2's 12:30 PM ET show to 9:30 AM ET, the preemption of Feed 3's 9:30 AM PT and 10:00 AM PT shows, and the rescheduling of Feed 3's 10:30 AM PT show to 7:30 AM PT, all in accordance the established pattern described above. The All-American Bowl on January 9 will preempt the last hour of Feed 3. The Red Bull Frozen Rush Off-Road Truck Race on January 30 will preempt the last half-hour of Feed 3. On February 13, coverage of the U.S. Olympic Marathon Trials will preempt the last hour of Feed 3. The AT&T American Cup Gymnastics on March 5 will preempt the last hour of Feed 3. Coverage of USSA Winter Sports (skiing and snowboarding) on March 19 will preempt the last hour of Feed 3. On March 26, USSA Winter Sports again will be presented, rescheduling Feed 2's 12:30 PM ET show to 9:30 AM ET, preempting Feed 3's 9:30 AM PT and 10:00 AM PT shows, and rescheduling Feed 3's 10:30 AM PT show to 7:30 AM PT.

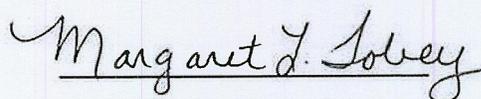
In the second quarter of 2016, again following the established pattern described above, four BPL games (April 2, April 9, April 16 and April 30) will result in the rescheduling of Feed 2's 12:30 PM ET show to 9:30 AM ET, preemption of Feed 3's 9:30 AM PT and 10:00 AM PT shows and rescheduling of Feed 3's 10:30 AM PT show to 7:30 AM PT. The National Hockey League playoffs on May 7 will also move Feed 2's 12:30 PM ET show to 9:30 AM ET, preempt Feed 3's 9:30 AM PT and 10:00 AM PT shows and move Feed 3's 10:30 AM PT show to 7:30 AM PT. On May 28, coverage of the French Open Tennis tournament will move Feed 2's 12:00 PM and 12:30 PM ET shows to 9:00 AM and 9:30 AM ET, move Feed 3's 10:00 AM and 10:30 AM PT shows to 7:00 AM and 7:30 AM PT and preempt Feed 3's 9:00 AM and 9:30 AM PT shows, and on June 4, will preempt Feeds 2 and 3 entirely.

In the third quarter of 2016, Tour de France and Scottish Open coverage (July 9) will preempt Feeds 2 and 3 entirely. The British Open on July 16 will preempt Feeds 2 and 3 entirely. On July 23, the Senior British Open will result in the rescheduling of Feed 2's 12:00 PM and 12:30 PM ET shows to 9:00 AM and 9:30 AM ET, preemption of Feed 3's 9:00 AM PT and 9:30 AM PT shows and rescheduling of Feed 3's 10:00 AM PT and 10:30 AM PT shows to 7:00 AM PT and 7:30 AM PT. On July 30, the Women's British Open will result in the rescheduling of Feed 2's 12:00 PM and 12:30 PM ET shows to 9:00 AM and 9:30 AM ET, preemption of Feed 2's 11:00 AM ET and 11:30 AM ET shows, preemption of Feed 3's 8:00 AM PT, 8:30 AM PT, 9:00 AM PT and 9:30 AM PT shows and rescheduling of Feed 3's 10:00 AM PT and 10:30 AM PT shows to 7:00 AM PT and 7:30 AM PT. As noted above, in August, the Rio 2016 Summer Olympics daytime coverage on August 6, August 13 and August 20 will preempt Feeds 2 and 3 entirely.

As part of its ongoing effort to facilitate the rescheduling of preempted episodes of children's E/I programming, the NBC Network has arranged for even earlier pre-feeds of "NBC Kids" programming on seven weekends in the second and third quarters affected by the major sporting events described above, including the three weekends affected by the Summer Olympics.¹³ In each case, the Network is pre-feeding the programs approximately two weeks prior to their scheduled air dates to provide greater rescheduling flexibility for the affiliates.¹⁴

The NBC Network seeks to serve its diverse viewing audience with an appealing and timely mix of news, entertainment, sports and children's programming. The Network remains committed to providing NBC-affiliated stations with high quality, regularly scheduled children's programming that serves the educational and informational needs of our youngest viewers. These programs will be preempted by the Network only when unavoidable due to a conflict with time-sensitive news or sports coverage. In such cases, the Network will work with the affected stations to ensure that preempted episodes are made available to the stations so that the episodes can be rescheduled. Based on the foregoing, we request that continued preemption flexibility be extended as set forth herein.

Respectfully submitted,



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¹³ These events are the French Open on June 4, the Scottish Open and Tour de France on July 9, the British Open on July 16, the Women's British Open on July 30 and the Summer Olympics on August 6, 13 and 20.

¹⁴ See *Johnson Letter, supra*, at 4 ("We will allow CBS: (1) to count a preempted children's core program toward a station's core programming obligation if the program is rescheduled within one week to a fixed 'second home' of the station's choice for each broadcast season, or, in isolated circumstances, at any time during core hours within two weeks *before or after* the preemption; and (2) to exempt from the above provisions core programming that is preempted for breaking news, though we encourage stations to reschedule programming in these circumstances") (emphasis added).

IMPORTANT NOTE

Please be advised that the submission of the annual preemption flexibility request does not result in a waiver from the FCC regarding the requirement to air three hours per week of regularly scheduled educational and informational children's programming. Stations should make every effort to reschedule episodes of E/I programming preempted by network sports programs.