

February 14, 2005

Mr. Donald S. Clark  
Secretary  
Federal Trade Commission  
Room 159-H (Annex Y)  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

**Re: Children's Online Privacy Protection Rule, Notice of  
Proposed Rulemaking, Sliding Scale 2005, Project No. P054503**

Dear Secretary Clark:

The National Cable & Telecommunications Association, Inc. ("NCTA") is pleased to submit these comments in support of the Federal Trade Commission's proposal to amend the Children's Online Privacy Protection Rule by permanently adopting a "sliding scale mechanism" for obtaining verifiable parental consent to collect personal information from a child under 13 years old.

NCTA is the principal trade association of the cable television industry in the United States. Its members include owners and operators of cable television systems serving over 90 percent of the nation's cable customers, more than 200 cable program networks, and others affiliated with the cable television industry. NCTA's members also provide high speed access to the Internet and other services. Many of NCTA's member companies that own and operate cable program networks maintain websites to enhance their video programming content. For example, Nickelodeon, Cartoon Network and the Disney Channel have created interactive websites to complement their innovative children's programming. Other cable networks operate websites that appeal to children as well as general audiences.

The current sliding scale mechanism, which requires different methods of obtaining parental consent depending on whether the information collected is to be used solely internally or disclosed to third parties, has worked effectively. As described in the Notice of Proposed Rulemaking, the current rule allows website operators and online services to obtain verifiable parental consent for the collection of personal information from children for internal use by the website operator through sending an e-mail message to parents coupled with certain additional steps to ensure that the parent is providing the consent. Website operators that want to disclose children's information to third parties must use more concrete methods, such as a print-and-send form, to obtain parental

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consent. Cable companies have found that this sliding scale approach has worked well over the past five years since the rule was adopted. They have received few, if any, complaints from parents.

We see no compelling reason to change this approach. Cable program networks and other website operators have made substantial investments to implement the sliding scale mechanism, including website design, hardware installation, and maintenance of personnel and operational support for the sliding scale verification systems. As the Commission notes in the NPRM, digital signature technology and other new verification systems are not yet readily available. To abandon the highly efficient and effective sliding scale mechanism in favor of still largely unproven technologies is ill-advised. It would only increase costs without any corresponding benefit to the protection of children's privacy.

In sum, NCTA urges the Commission to adopt a final rule making the sliding scale mechanism a permanent part of the Children's Online Privacy Protection Rule.

Respectfully submitted,

**/s/ Daniel L. Brenner**

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