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August 3, 1992

92-52

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Donna R. Searcy, Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Notice, MM Docket No. 91-140
(Revision of Radio Rules and Policies)
GC Docket No. 92-52 (Comparative
Broadcast Hearings)

Dear Ms. Searcy:

On July 24, 1992, David Honig, Eduardo Pena, I, and, in some sessions, other representatives of the National Association for the Advancement of Colored People, the League of United Latin American Citizens, the National Black Media Coalition and the National Hispanic Media Coalition (the civil rights groups) visited with the following FCC officials:

Kenneth Robinson
Lauren J. Belvin
Karl A. Kensinger

Michele Farquhar
John Hollar

Brian F. Fontes
Robert Corn-Revere

Peter D. Ross

Hon. Andrew C. Barrett
Robert E. Branson
Byron F. Marchant

Several topics concerning minority ownership of broadcast stations were discussed. This included brief discussions of four questions in the two above-named unrestricted rulemaking proceedings, i.e. the radio multiple ownership proceeding and the reexamination of broadcast comparative preferences. In general, the comments made on behalf of the civil rights groups at these meetings are reflected in the groups' comments and replies filed in those proceedings.

Specifically, the following points were made:

1) We understand that the Commission's advisory committee on minority and small business broadcast ownership is close to formation. The radio multiple ownership proceeding will have a great impact on minority and small business broadcast ownership. The Commission should obtain input from its advisory committee before reaching a decision on reconsideration in that proceeding.

2) The Commission should preserve the "bump-up" in its present multiple ownership rules under which the multiple ownership limits may be exceeded if the controlling owners of the stations over the limits are minorities. This bump-up promotes minority ownership of broadcast stations. The Commission should not make the bump-up available to non-minorities, because, if past patterns of broadcast ownership apply, a bump-up that includes non-minorities would actually work proportionately against minorities, and thus disserve the public interest in promoting broadcast of minority voices.

3) The Commission should preserve its Anax policy in comparative hearings. This policy promotes control of broadcast stations by minority individuals who would not otherwise have the financial means to hold those stations. The Commission should apply the Anax policy more realistically in comparative hearings, taking into account how business is normally conducted in limited partnerships. Once construction permits are granted, however, the Commission should assure itself that the general partners are actually in control of the stations. Such post-grant enforcement should include field inspections, and, where significant violations are found, revocation hearings.

4) The Commission should forego a "finders preference" in comparative broadcast proceedings. Such a preference would, in practical effect, impede minority ownership of broadcast stations, and would prove difficult to administer.

The original and three copies of this letter are being filed with the Secretary. Four copies of a handout, which was distributed at the meetings, are also being filed.

Sincerely,



Michael J. Hirrel

cc: FCC officials on above list

MINORITY MEDIA OWNERSHIP FUND

**1800 N.W. 187th Street
Miami, Florida 33056**

Phone: (305) 628-3600

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

PROPOSED AGENDA FOR MEETINGS WITH COMMISSIONERS AND STAFF

July 24, 1992

This is a list of what we would like to cover if only we had the time. There is never enough time, so we do not expect to touch on everything.

Some of these matters may be prohibited under the ex parte rules, in which case we will not discuss them.

- I. Minority Ownership and Employment Overview
- II. Status of the Small Business Advisory Committee
- III. Comparative Hearing Policies; Study of Comparative Hearings by the Minority Media Ownership Fund
- IV. Comparative Hearing Settlements
- V. Comparative Renewals
- VI. Tax Certificates; Proposal for FCC/IRS Task Force
- VII. Distress Sales
- VIII. Multiple Ownership Policies
- IX. Digital Audio Radio
- X. AM Assignment Criteria
- XI. Network/Cable Crossownership
- XII. Minority Vending
- XIII. Broadcast EEO
- XIV. Drug Abuse Policy

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INDEX TO EXHIBITS

<u>Exhibit</u>	<u>Description of Document</u>
1	Statistical Analysis of Minority-Owned Commercial Broadcast Stations, 1990 and 1991, provided by the National Telecommunications and Information Administration, October, 1991
2	Broadcast EEO Trend Report Summary (1991 data), FCC Industry EEO Unit, June 8, 1992
3	Status of FCC Rulemaking Proposals Filed by Civil Rights Organizations, July 24, 1992
4	Press Release, "FCC Establishes Small Business Advisory Committee: Releases "Communications and Minority Enterprise in the 1990s' Conference Report", Federal Communications Commission, March 12, 1992
5	Overview of MMOF Comparative Hearing Study, July 24, 1992
6	MMOF Comparative Hearing Study: List of Variables, July 24, 1992
7	Cases Analysed in Minority Media Ownership Fund Study of Commercial FM Comparative Hearings, July 24, 1992
8	<u>Public Notice, Petition for Rulemaking Filed</u> , 7 FCC Rcd 3636 (released June 2, 1992) (designating RM-8004 as "RM" number for rulemaking proposal filed May 22, 1992).

EXHIBIT 1

**A STATISTICAL ANALYSIS OF MINORITY-OWNED COMMERCIAL BROADCAST STATIONS LICENSED
IN THE UNITED STATES IN 1991**

INDUSTRY TOTALS	BLACK	HISPANIC	ASIAN	NATIVE AMERICAN	MINORITY TOTALS
AM Stations 4,987	104 2.1%	58 1.2%	1 .0%	2 .0%	165 3.3%
FM Stations 4,502	68 1.5%	21 .5%	1 .0%	1 .0%	91 2.0%
TV Stations 1,127	18 1.7%	5 .4%	7 .6%	1 .1%	31 2.8%
Cumulative Totals 10,616*	190 1.8%	84 .8%	9 .1%	4 .0%	287 2.7%

• **BASED ON INFORMATION FROM THE FCC, OFFICE OF CONSUMER ASSISTANCE AUGUST 31, 1991**

*Statistics based on **COMPILATION BY STATE OF MINORITY-OWNED COMMERCIAL BROADCAST STATIONS**, prepared by the Minority Telecommunications Development Program of the National Telecommunications & Information Administration, October 1991.*

• *All figures are rounded to the nearest tenth percent.*

A COMPARATIVE STATISTICAL ANALYSIS OF MINORITY-OWNED COMMERCIAL BROADCAST STATIONS

LICENSED IN THE UNITED STATES IN 1991 AND 1990

INDUSTRY TOTALS	BLACK		HISPANIC		ASIAN		NATIVE AMERICAN		MINORITY TOTALS	
	1991 and 1990	1991	1990	1991	1990	1991	1990	1991	1990	1991
AM Stations 4,987/4,980	104 2.1%	106 2.1%	58 1.2%	64 1.2%	1 .0%	1 .0%	2 .0%	2 .0%	165 3.3%	173 3.6%
FM Stations 4,502/4,317	68 1.6%	69 1.6%	21 .5%	24 .6%	1 .0%	4 .1%	1 .0%	2 .1%	91 2.0%	99 2.2%
TV Stations 1,127/1,104	18 1.8%	17 1.8%	5 .4%	4 .4%	7 .0%	7 .0%	1 .1%	1 .1%	31 2.8%	29 2.6%
Cumulative Totals 10,616**/10,401***	190 1.8%	192 1.8%	84 .8%	92 .8%	9 .1%	12 .1%	4 .0%	5 .1%	287 2.7%	301 2.9%

** BASED ON INFORMATION FROM THE FCC, OFFICE OF CONSUMER ASSISTANCE AUGUST 31, 1991

*** BASED ON INFORMATION FROM THE FCC, OFFICE OF CONSUMER ASSISTANCE JUNE 30, 1990

Statistics based on COMPILATION BY STATE OF MINORITY-OWNED COMMERCIAL BROADCAST STATIONS, prepared by the Minority Telecommunications Development Program of the National Telecommunications & Information Administration, October 1991 and July 1990 (adjusted). • All figures are rounded to the nearest tenth percent.

Methodology

In 1990, using data from the National Association of Broadcasters' Human Resources Development Division, periodicals, and anecdotes, the Minority Telecommunications Development Program (MTDP) developed a listing entitled Compilation By State of Minority-Owned Commercial Broadcast Stations. MTDP has updated the listing for 1991. The listing includes:

- Commercial AM and FM radio and UHF and VHF television licensees
- Stations for which minority ownership is greater than 50%.

MTDP used a similar methodology to collect data for each year. MTDP telephoned to verify information obtained for each station. Although MTDP attempted to speak with the owner or general manager, that did not always occur. We assume that respondents answered accurately. When telephone service for a station was disconnected, and directory assistance did not list an alternative telephone number for the station's call letters or licensee name, MTDP assumed that station was off the air and deleted it from the list.

After release of the 1990 list, MTDP located additional sources of minority ownership information. From these new sources, MTDP identified stations that were in operation in 1990 but were not included in the original compilation. MTDP also identified stations that were included in the 1990 list that did not meet the criteria adopted above. To develop the 1991 statistics, MTDP first adjusted the original 1990 statistics to reflect the new updated information. Therefore, the 1990 adjusted statistics provide the comparative baseline for 1991.

For the 1991 listing, the Federal Communications Commission, National Association of Black Owned Broadcasters, American Hispanic Owned Radio Association, Hispanic Business Magazine, National Association of Broadcasters, National Black Media Coalition, the Asian Pacific Chamber of Commerce, and others contributed substantial data. A representative from each of these organizations reviewed the list.

This methodology does not assure that all U.S. minority-owned commercial radio and television stations are listed. The accuracy of each listing is limited to the accuracy of the information supplied by respondents. Any corrections to the current list would be appreciated.

EXHIBIT 2

Broadcast

EQUAL EMPLOYMENT OPPORTUNITY TREND REPORT
PREPARED FOR FCC INDUSTRY EEO UNIT
DATE PREPARED 6- 8-92

BEE018-01 PAGE 781

UNITED STATES

NATIONAL TOTALS

JOB CATEGORY	TOTAL EMPLYS	TOTAL FEMALE	TOTAL MALES	TOTAL MINOR	-----FEMALE MINORITIES-----				-----MALE MINORITIES-----			
					BLACK	ASIAN PAC/ISL	AM IND/ ALASKAN	HIS- PANIC	BLACK	ASIAN PAC/ISL	AM IND/ ALASKAN	HIS- PANIC
OFFICIALS & MGRS NR 1991	31,537	10,566	20,971	3,945	975	180	101	611	881	158	132	907
% TOTAL 1991	31,537	33.5	66.5	12.5	3.1	0.6	0.3	1.9	2.8	0.5	0.4	2.9
% TOTAL 1990	33,403	33.0	67.0	12.3	2.9	0.6	0.4	2.0	2.8	0.5	0.5	2.7
% TOTAL 1989	37,236	31.9	68.1	11.4	2.7	0.5	0.3	1.7	2.9	0.4	0.4	2.5
% TOTAL 1988	36,767	31.2	68.8	10.9	2.6	0.5	0.2	1.5	2.8	0.4	0.4	2.5
% TOTAL 1987	36,076	30.8	69.2	10.6	2.4	0.4	0.2	1.4	2.8	0.5	0.3	2.4
PROFESSIONALS NR 1991	48,117	15,660	32,419	8,004	1,965	380	94	1,011	2,367	241	155	1,791
% TOTAL 1991	48,117	32.5	67.4	16.6	4.1	0.8	0.2	2.1	4.9	0.5	0.3	3.7
% TOTAL 1990	50,398	31.9	68.1	16.2	3.9	0.7	0.2	2.1	4.7	0.5	0.3	3.9
% TOTAL 1989	54,272	31.8	68.2	15.8	3.7	0.7	0.2	2.0	4.9	0.5	0.3	3.5
% TOTAL 1988	54,052	31.3	68.7	15.0	3.5	0.7	0.1	1.6	4.8	0.5	0.3	3.3
% TOTAL 1987	54,522	30.8	69.2	14.7	3.4	0.7	0.2	1.6	4.8	0.5	0.3	3.3
TECHNICIANS NR 1991	25,855	3,644	22,171	5,664	615	80	23	247	2,376	343	105	1,875
% TOTAL 1991	25,855	14.1	85.8	21.9	2.4	0.3	0.1	1.0	9.2	1.3	0.4	7.3
% TOTAL 1990	26,768	14.0	86.0	21.3	2.3	0.3	0.1	0.9	8.9	1.3	0.4	7.1
% TOTAL 1989	30,904	13.9	86.1	21.0	2.3	0.2	0.1	0.8	8.9	1.4	0.4	6.8
% TOTAL 1988	31,750	13.6	86.4	20.4	2.2	0.3	0.1	0.7	8.8	1.4	0.4	6.5
% TOTAL 1987	32,089	13.5	86.5	19.8	2.0	0.2	0.1	0.8	8.7	1.3	0.4	6.2
SALES WORKERS NR 1991	22,932	11,761	11,171	2,680	637	100	51	562	688	53	40	549
% TOTAL 1991	22,932	51.3	48.7	11.7	2.8	0.4	0.2	2.5	3.0	0.2	0.2	2.4
% TOTAL 1990	24,645	51.0	49.0	11.5	2.8	0.4	0.2	2.4	3.0	0.2	0.2	2.4
% TOTAL 1989	25,116	50.0	50.0	11.0	2.8	0.3	0.2	2.1	2.9	0.2	0.2	2.3
% TOTAL 1988	24,044	49.3	50.7	10.5	2.6	0.3	0.3	2.0	2.9	0.2	0.2	2.1
% TOTAL 1987	24,012	48.2	51.8	10.0	2.4	0.3	0.2	1.7	2.8	0.2	0.2	2.3
OFFICE/CLERICAL NR 1991	19,336	17,197	2,139	5,657	2,614	381	135	1,779	368	62	16	302
% TOTAL 1991	19,336	88.9	11.1	29.3	13.5	2.0	0.7	9.2	1.9	0.3	0.1	1.6
% TOTAL 1990	20,709	89.3	10.7	28.5	13.4	1.9	0.6	8.9	1.9	0.3	0.1	1.4
% TOTAL 1989	24,090	88.1	11.9	27.7	13.4	1.7	0.5	8.1	2.1	0.4	0.1	1.4
% TOTAL 1988	25,620	87.3	12.7	27.6	13.3	1.7	0.5	7.6	2.5	0.3	0.1	1.5
% TOTAL 1987	25,135	88.1	11.9	26.1	12.9	1.5	0.5	7.1	2.3	0.4	0.0	1.3

Broadcast

EQUAL EMPLOYMENT OPPORTUNITY TREND REPORT
 PREPARED FOR FCC INDUSTRY EEO UNIT
 DATE PREPARED 6- 8-92

UNITED STATES

NATIONAL TOTALS

JOB CATEGORY	TOTAL EMPLYS	TOTAL FEMALE	TOTAL MALES	TOTAL MINOR	-----FEMALE MINORITIES-----			-----MALE MINORITIES-----					
					BLACK	ASIAN PAC/ISL	AM IND/ALASKAN	HIS-PANIC	BLACK	ASIAN PAC/ISL	AM IND/ALASKAN	HIS-PANIC	
CRAFTSMEN	NR 1991	1,059	297	762	249	32	6	6	31	67	9	6	92
	% TOTAL 1991	1,059	28.0	72.0	23.6	3.0	0.6	0.6	2.9	6.3	0.8	0.6	8.7
	% TOTAL 1990	1,066	21.2	78.8	26.0	1.6	0.3	0.8	2.4	8.0	1.0	0.7	11.2
	% TOTAL 1989	1,946	13.9	86.1	17.2	1.1	0.2	0.1	1.7	5.4	0.9	1.3	6.4
	% TOTAL 1988	2,183	13.7	86.3	18.2	1.4	0.2	0.1	1.4	6.0	1.6	1.1	6.5
	% TOTAL 1987	1,942	11.2	88.8	18.1	1.0	0.3	0.0	1.0	6.7	1.2	0.8	7.2
OPERATIVES	NR 1991	752	120	632	243	15	5	5	9	80	9	12	108
	% TOTAL 1991	752	16.0	84.0	32.3	2.0	0.7	0.7	1.2	10.6	1.2	1.6	14.4
	% TOTAL 1990	837	17.1	82.9	31.9	2.7	0.2	0.1	1.7	11.2	0.7	1.0	14.2
	% TOTAL 1989	1,010	14.4	85.6	31.5	1.6	0.2	0.0	2.3	12.8	1.1	1.0	12.6
	% TOTAL 1988	1,007	14.4	85.6	27.5	1.9	0.0	0.1	1.0	13.0	1.1	0.9	9.5
	% TOTAL 1987	1,050	14.9	85.1	31.8	1.9	0.2	0.0	1.6	13.3	1.4	0.6	12.8
LABORERS	NR 1991	217	35	182	109	12	1	2	8	34	2	5	45
	% TOTAL 1991	217	16.1	83.9	50.2	5.5	0.5	0.9	3.7	15.7	0.9	2.3	20.7
	% TOTAL 1990	218	14.7	85.3	49.1	3.2	0.0	0.0	4.1	17.4	0.5	0.5	23.4
	% TOTAL 1989	284	11.6	88.4	42.3	4.2	0.0	0.0	2.1	19.7	0.4	0.4	15.5
	% TOTAL 1988	311	12.5	87.5	47.6	5.1	0.0	0.0	1.3	18.6	0.6	0.3	21.5
	% TOTAL 1987	305	15.7	84.3	46.2	5.2	0.0	0.0	3.3	20.3	0.7	0.3	16.4
SERVICE	NR 1991	605	122	483	364	53	2	1	17	180	12	4	95
	% TOTAL 1991	605	20.2	79.8	60.2	8.8	0.3	0.2	2.8	29.8	2.0	0.7	15.7
	% TOTAL 1990	739	23.1	76.9	57.8	8.5	0.4	0.1	2.7	28.4	1.9	0.9	14.7
	% TOTAL 1989	741	21.6	78.4	59.2	9.0	0.3	0.0	2.8	28.3	1.5	0.4	16.9
	% TOTAL 1988	1,010	20.8	79.2	59.9	8.5	0.4	0.0	2.0	29.7	2.0	0.2	17.1
	% TOTAL 1987	1,028	18.9	81.1	62.4	9.4	0.4	0.0	2.5	31.8	2.1	0.2	15.9
TOTAL ALL JOBS	NR 1991	155,311	59,402	90,909	26,908	6,918	1,135	418	4,275	7,036	887	475	5,764
	% TOTAL 1991	155,311	38.2	58.5	17.3	4.5	0.7	0.3	2.8	4.5	0.6	0.3	3.7
	% TOTAL 1990	158,779	39.4	60.6	17.5	4.5	0.7	0.3	2.8	4.5	0.6	0.3	3.8
	% TOTAL 1989	175,599	38.6	61.4	17.0	4.4	0.7	0.2	2.6	4.7	0.6	0.3	3.6
	% TOTAL 1988	176,744	38.3	61.7	16.8	4.4	0.7	0.2	2.3	4.7	0.6	0.3	3.5
	% TOTAL 1987	176,159	37.8	62.2	16.2	4.2	0.6	0.2	2.2	4.7	0.6	0.3	3.4

EXHIBIT 3

**STATUS OF FCC RULEMAKING PROPOSALS
FILED BY CIVIL RIGHTS ORGANIZATIONS**

July 24, 1992

Following is a list of all pending rulemaking proposals filed from November, 1988 through June, 1992 by some or all of the following: NAACP, LULAC, NHMC and NBMC.

<u>Subject Matter</u>	<u>Description of Proposal</u>	<u>Citation and Date of Filing</u>
Minority Ownership <u>Policy Review</u>	Establishment of Minority Advisory Committee to implement goal of substantial annual increases in minority broadcast station ownership.	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC)
	Hold annual minority ownership conference similar to that held in September, 1990.	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC)
Comparative Hearing <u>Policies</u>	Retain <u>Anax</u> rule by adopting these Safeguards: <ol style="list-style-type: none">1. Extend RULPA insulation provisions to two-tiered stock corporations2. Require two-tiered permittees to certify to validity of structure in license to cover and in each of next three years3. Require two-tiered permittees to show basis for financing in license to cover4. FOB random checks of maintenance of control by two-tiered applicants5. 20% minimum equity requirement in two-tiered applicants6. Forfeitures against nonvoting stockholders or limited partners of sham applicants, and against real parties in interest	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)

<u>Subject Matter</u>	<u>Description of Proposal</u>	<u>Citation and Date of Filing</u>
Comparative Hearing Policies (continued)	Expansion of broadcast experience credit to cover business experience transferable to broadcasting	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)
	Disallow nonminority applicant's broadcast experience claims for time periods when discrimination prevented minorities from working in broadcasting	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)
	Replace Local/Civic criterion with Civic criterion encompassing civic activities occurring anywhere	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)
	Distress sale to minorities at no more than 50% of FMV if station won in hearing is sold within three years	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)
	Do not adopt "Finders Preference" since it is would institutionalize discrimination, benefit few if any minorities, and artificially distort the "market" for new broadcast services	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC); also Reply Comments (6/22/92) (NAACP/LULAC)
	Delete auxiliary power, comparative coverage, and past broadcast record as comparative criteria	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)
	Treat MESBIC interests as non-attributable	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)
	Make minority sensitivity credit available in any proceeding, not just to counter a minority preference	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)
	Comparative credit to applicants divesting FM or VHF-TV to minorities for no more than 75% of FMV	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)
	No "first filing" or tie-breaker criteria are needed for close cases. Point system with substantial = 4, moderate = 2, slight = 1, very slight = 0.5 should be adopted	Comments, GC Docket No. 92-52 (6/2/92) (NAACP/LULAC)

<u>Subject Matter</u>	<u>Description of Proposal</u>	<u>Citation and Date of Filing</u>
Comparative Hearing Policies (continued)	Treat integration as an independent comparative factor, at the same level of analysis and with the same weight as minority ownership and civic participation	Reply Comments, GC Docket No. 92-52 (6/22/92) (NAACP/LULAC)
	Eliminate distinction between "community of license" and "service area" residency, in view of past housing discrimination and the irrelevance of the distinction	Reply Comments, GC Docket No. 92-52 (6/22/92) (NAACP/LULAC)
	Continued use of diversification as a factor in comparative hearings	Reply Comments, GC Docket No. 92-52 (6/22/92) (NAACP/LULAC)
Comparative Hearing Settlements	Allow third party buyouts by minorities or those proposing to install minority Managing Partner with binding option to buy station for less than 75% of FMV	Petition for Reconsideration, MM Docket No. 90-263 (1/22/91) (NAACP/LULAC/NBMC)
	Minority Media Ownership Trust, formed with portion of excess of settlements over prosecution expenses, or of any types of forfeitures, to be used to supply equity for minority broadcast entrepreneurs through MESBICS, and to train minorities to be broadcast owners	Petition for Reconsideration, MM Docket No. 90-263 (1/22/91) (NAACP/LULAC/NBMC)
Comparative Renewals	Enhanced renewal expectancy for investors in minority owned broadcast facilities	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC)

<u>Subject Matter</u>	<u>Description of Proposal</u>	<u>Citation and Date of Filing</u>
<u>Tax Certificates</u>	Establish FCC/IRS Working Group on Minority Ownership, to take up: <ol style="list-style-type: none">1. Liberalizing definition of comparable property for reinvestment so that any company or partnership with substantial ownership in mass media or telecommunications, or which is a licensee or which controls licensees on its own or through subsidiaries, would be treated as comparable property2. Increase the capital gains deferral period from two to four years3. Allow deferral of 200% of capital gains4. Deliver tax certificates in three-party tradeups where the effect of the lead transaction between two nonminorities is the financing and effectuation of a related transaction creating a minority new entrant5. Allow group owners to shift basis among stations to maximize the value of a tax certificate	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC)
	Expand tax certificate policy to all mass communications media	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC)
	Eliminate tax certificates for grandfathered media interests	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC)

<u>Subject Matter</u>	<u>Description of Proposal</u>	<u>Citation and Date of Filing</u>
<u>Distress Sales</u>	Allow limited use of distress sales during hearings at less than 50% of FMV	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC)
<u>Multiple Ownership</u>	Increase national multiple ownership limits for minorities to 14/20/20	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC); <u>see also</u> Petition for Reconsideration, MM Docket No. 91-140, (5/29/92) (NAACP); Petition for Reconsideration, MM Docket No. 91-140 (5/29/92) (NHMC) [proposing expansion of bump-up from two stations per service to four]; Petition for Reconsideration, MM Docket No. 91-140 (5/29/92) (LULAC) [waiver policy for financially troubled stations rather than increasing ownership limits generally].
	Place restrictions on licensees' delegations of right to program their stations	Petition for Reconsideration, MM Docket No. 91-140 (5/29/92) (NAACP)
	Place restrictions on time brokerage among stations licensed to different markets	Petition for Reconsideration, MM Docket No. 91-140 (5/29/92) (NAACP)
<u>Digital Audio Radio</u>	Demand Study, showing need for 3,144 new minority radio stations; need set out on market by market basis	Reply Comments, GEN Docket No. 90-357 (1/7/91) (NAACP/LULAC/NBMC)

<u>Subject Matter</u>	<u>Description of Proposal</u>	<u>Citation and Date of Filing</u>
<u>AM Assignment Criteria</u>	Preference to incumbents wishing to colonize 1605-1705 kHz band if they sell 535-1605 kHz band station to minorities, along with tax certificate incumbent licensee; minority could hold 535-1605 kHz band station for five years (the same length of time the incumbent could have held the station)	Petition for Reconsideration, MM Docket No. 87-267 (1/13/92) for (NAACP/LULAC/NBMC)
<u>Network/Cable Crossownership</u>	Five percent subscriber base cap on network ownership initially, with bump-up at twice the extent of network's investment in or lending to minority owned or joint ventured cable system operators	Comments in MM Docket No. 82-434 (3/23/92). See also Reply Comments of CapCities/ABC, 4/7/92, endorsing bump-up concept
<u>Minority Vending</u>	Write Section 634(d)2(E) of the Cable Act (requiring cable companies to encourage use of minority and female vendors) into the broadcast rules	Petition for Rulemaking, RM-____ (unassigned; filed 9/18/90) (NAACP/LULAC/NHMC/NBMC)
<u>Broadcast EEO</u>	Higher forfeiture priority for EEO violations	Petition for Reconsideration & Stay on Forfeiture Policy (9/3/91) (NAACP)
	Redefine "single violation" of Broadcast EEO Rule to be absence of EEO efforts for a job vacancy	Petition for Reconsideration & Stay on Forfeiture Policy (9/3/91) (NAACP)
	Include prior violations by other stations owned by same licensee in list of upward adjustment criteria for forfeitures	Petition for Reconsideration & Stay on Forfeiture Policy (9/3/91) (NAACP)
	When considering claims of inability to pay EEO forfeitures, disregard costs of settling private EEO litigation, and additional costs of operation attendant to discriminatory behavior	Petition for Reconsideration & Stay on Forfeiture Policy (9/3/91) (NAACP)

<u>Subject Matter</u>	<u>Description of Proposal</u>	<u>Citation and Date of Filing</u>
<u>Drug Abuse</u>	Restrict sales and rentals of beepers to persons over twenty one unless authorized by parent or guardian; two week waiting period on sales of pagers to allow criminal records check; retailers to clone beeper software and provide it to law enforcement personnel.	Petition for Rulemaking (11/3/88) (NAACP)

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EXHIBIT 4



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
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News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

March 12, 1992

FCC Establishes Small Business Advisory Committee;
Releases "Communications and Minority Enterprise
in the 1990s" Conference Report

The Federal Communications Commission (FCC) has established the Small Business Advisory Committee. This committee will provide expert advice and recommendations on small business issues, including minority and female participation issues.

The FCC will select committee members to achieve a balanced membership given the purpose and objectives of the committee.

The Commission also now has available for release its report on the "Communications and Minority Enterprise in the 1990s" conference which was held in September 1990.

For additional information on the Advisory Committee, contact Alan McKie at (202) 632-6390.

For additional information on the Conference Report, contact Patti Grace Smith at (202) 632-7260.

-FCC-

EXHIBIT 5

OVERVIEW OF MMOF COMPARATIVE HEARING STUDY

July 24, 1992

The Civil Rights Organizations (NAACP, LULAC, NHMC and NBMC) are unaware of any previous comprehensive study of the effectiveness and results of commercial broadcast station comparative hearings. Recognizing that the 1965 Policy Statement [1 FCC2d 393 (1965)] is undergoing significant modification through GC Docket No. 92-52, we have undertaken such a study.

We are reviewing all 1987-1992 Initial Decisions in comparative hearings for new commercial FMs which originated with a Report and Order released in 1986 or later, and which resulted in the selection of an applicant from a field of at least two applicants. There were exactly 100 such decisions. At this writing, all of the decisions have been reviewed and coded, the computer program has been written, and the data has been entered into the computer for analysis using SPSS. The program and data fields are undergoing minor corrections, after which time correlations and some regressions will be performed.

Some of the many questions this study aims to answer are:

- What factors are most predictive of victory in comparative hearings?
- Have these predictive factors changed over time?
- What factors most commonly result in disqualification of applicants?
- Are some ALJs more likely than others to disqualify applicants, or to discredit integration proposals?
- Are comparative hearings effective in promoting the Commission's minority ownership goals?

The variables we have coded are:

1. Case number
2. Applicant number
3. Identity of Judge
4. Month and year decided
5. Which applicant won the case
6. Population of MSA or county
7. Percent minorities in MSA or county workforce
8. Number of applicants at HDO stage
9. Number of applicants at I.D. stage
10. Whether applicant was the "finder" of the allotment
11. Whether applicant was two-tiered

- 12-16. Whether applicant was qualified, and, if disqualified, was the reason (a) site/engineering; (b) misrepresentation; (c) \$1.65; (d) real party/sham; or (e) financial and financial certification (or some combination of these factors)
17. Whether applicant received a diversification demerit
18. What HHI score applicant claimed for its integration proposal
19. What HHI score applicant received for its integration proposal
- 20-22. If applicant was compared to others with similar HHI scores, what enhancements did it receive for (a) local residence/civic participation; (b) broadcast experience; and (c) minority ownership.

Anyone wishing to review and critique an early draft of the study, or to suggest particular manipulations of the data, should contact David Honig, Trustee, Minority Media Ownership Fund, who is coordinating the research.

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EXHIBIT 6