



July 7, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* disclosure pursuant to 47 CFR § 1.1206(b) in 14-50, 09-182, 07-294

Dear Ms. Dortch:

On July 5 the following people met with Mr. David Grossman of Commissioner Clyburn's office to discuss the above-captioned dockets: Cheryl Leanza of UCC OC Inc.; Andy Lomeli of National Hispanic Media Coalition; Todd O'Boyle of Common Cause; and Kevin Erickson of the Future of Music Coalition. We highlighted our gratitude for Commissioner Clyburn's leadership on matters of ownership diversity and strongly encouraged her to carefully sift through the draft order to ensure that it does not inadvertently harm future efforts to promote ownership diversity.

We emphasized the need to maintain the current waiver standards for the newspaper/broadcast cross ownership rule and to not permit new waiver standards to permit a relaxation of the rule. Further, we strongly emphasized the need for disclosure when waivers of the rule are sought—we referenced the proposed public notice mechanism supported by UCC et al.¹ We expressed our support of the Commission's proposed ruling to maintain the radio/newspaper cross ownership rule, and expressed our particular concern that the FCC retract any implication that radio stations do not contribute sufficiently to viewpoint diversity as to eliminate the need for radio/newspaper cross ownership prohibitions. Mr. Erickson explained, particularly, that musicians view radio as a medium to share viewpoints in music and in the discussions about music.

We explained that one of the most important issues in this docket is proper attribution of sharing agreements – these agreements undermine the very existence of ownership rules. We strongly supported the Commission's intent to attribute joint sales agreements and encouraged the Commission to take further action on attributing shared service agreements beyond collecting those agreements. We emphasized the Commission already has a robust record supporting attribution of those agreements. We urged the Commission to: make a tentative conclusion that SSAs should be attributed; seek comment on UCC et al.'s proposed attribution standard; and set a shorter deadline (such as 1 year from the date of the order) to make a decision on SSA attribution. We clarified that the public interest proposed attribution criteria do not prohibit television stations from sharing items such as helicopters or weather radar.

¹ Comments of United Church of Christ, OC Inc. et al., MB Docket. Nos. 14-50, 09-182, 07-294, 04-256, at 44 (filed Aug. 6, 2014) (citing Comments of Media Access Project and Prometheus Radio Project, at 6-10, 2010 *QR*, MB Dkt. 09-182 (filed Mar. 5, 2012)) (explaining the Commission should include in its public notices of applications for license renewal or transfer when applications include a request for permanent waiver and the Commission should further require detailed notice to the local community of license of such waivers and other material) available at: <https://www.fcc.gov/ecfs/filing/6017022765/document/7021898262>.

We explained that some analysis submitted into the docket during the comment cycle demonstrated that the incentive auction has likely significantly reduced ownership rates by women and people of color as illustrated, for example by the comments of Asian Americans Advancing Justice in this docket.² However, final, official data is lacking because the FCC has not released its 323 data which would capture the impact of the speculation leading up to the auction. We expressed our continued concern with the Form 323 ownership diversity data collection process. We noted the Commission had not even released final data from the data collection from last December. While the Bureau suggests raw data is available, the practical use of raw data—as opposed to final data—is meaningless. We recommended the Commission take stronger action to ensure compliance with reporting rules, including fining licensees that do not comply.

We explained the Commission has not fulfilled its obligation under three court remands to develop studies that would support action to improve ownership diversity. We suggested the Commission articulate its perceived data needs and include in the forthcoming order a timeline of workshops and studies that would improve the record in time to begin the next quadrennial review in 2018. We shared two attachments, one summarizing the positions of UCC et al. in the record and a second a listing of the many studies proposed by UCC et al.

Sincerely,



Cheryl A. Leanza
Policy Advisor

² Comments of Asian Americans Advancing Justice | AAJC at 2-13, Docket Nos. 14-50, 09-182, 07-294, 04-256, 12-268 (filed August 7, 2014) (explaining, inter alia, “nearly half the stations bought by speculators provide ethnic programming for AAPI communities”).