

# National Action Network

Rev. Al Sharpton, *President & Founder*

Rev. Dr. W. Franklyn Richardson, *Chairman*



25  
years

September 19, 2016

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 2055

RE: ACA Proposed Urban Interest and Spanish-Language Bundling Restriction

Dear Ms. Dortch:

The National Action Network (NAN) has long worked within the spirit and tradition of Dr. Martin Luther King, Jr. to promote a modern civil rights agenda that includes the fight for one standard of justice, decency and equal opportunities for all people regardless of race, religion, nationality or gender. As one of the nation's leading civil rights organizations, we are writing in opposition to the American Cable Association's (ACA) recommended proposal to effectively redline urban programming.

ACA's proposal comes to light as part of a larger Federal Communications Commission (FCC or Commission) Notice of Inquiry (NOI). Last month ACA asked the commission to consider, as part of a future Notice of Proposed Rulemaking (NPR), whether programmers should be barred from negotiating carriage of "urban-interest" channels on rural cable systems, or carriage of Spanish-language programming where a cable operator believes it has few Spanish-language customers.<sup>1</sup> If accepted, ACA's proposal would allow MVPDs to draw a bright red line around those channels identified as urban, and prevent viewers in rural areas from accessing urban interest content.

Additionally, like most discrimination, ACA's proposal would also have a direct and immediate negative economic impact. Stations and networks carrying urban interest and Spanish-language programming rely on the carriage agreements ACA seeks to eliminate, and should the association prevail, these outlets may cease to exist.

It is essential that the Commission stand in the way of such misguided policy. Diverse programming should be encouraged, and not restricted. Moreover, it would be unwarranted, inequitable—and unprecedented in recent history— if by regulatory mandate, families and individuals in rural communities are foreclosed access to targeted broadcast programming because it is "urban."

A number of groups have asked the ACA to withdraw the proposal due to its clear discriminatory intent and impact. NAN joins in the request that the proposal be withdrawn. If not abandoned, the

---

<sup>1</sup> *Ex Parte* Letter, Michael Nilsson, counsel to American Cable Association, MB Docket No. 16-41 (Aug. 26, 2016) (ACA Letter).

# National Action Network

Rev. Al Sharpton, *President & Founder*

Rev. Dr. W. Franklyn Richardson, *Chairman*



25  
years

FCC should reject ACA's recommendation outright, and provide no deference through inclusion in a future NOPR.

We thank you for your attention to this important matter.

Sincerely,

Ebonie Riley  
Washington, DC Bureau Chief  
National Action Network