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THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA

ALBANY, N.Y. 12242

November 12, 1993

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Dear Mr. Caton:

At the request of Mr. Joshua I. Smith, Chairman, FCC Small Business Advisory Committee, I have been asked to write to you pertaining to the FCC Notice of Rulemaking in the matter of implementations of Section 309(J) of the Communications Act of 1934.

I am fully in support of the Advisory Committee's recommendation to the FCC and am indicating my specific concerns about Sections 309(J) in the following items:

- I. I believe that the substantial upfront payment requirement for bidders to participate in an auction in and of itself will prohibit the participation of minority and small business owners.
- II. I would like to reinforce the recommendation that "All bidders should be required to establish and maintain programs assigned to ensure that minorities and women are not excluded from licensee efforts to procure equipment and value added services and to recruit, hire and promote employees."
- III. I also wholeheartedly support the recommendation that "The Commission should adopt financial qualifications guidelines that treat chartered Small Business Investment Companies (SBICs) as bona fide financial institutions for reasonable assurance purposes."
- IV. I fully support the use of tax certificates to promote minority ownership or nonbroadcast facilities as this would increase the potential of minority ownership of these facilities.
- V. I would also recommend that serious consideration be given to limited set asides for minority and women firms in order to increase their capability to participate in auctions and make them more competitive.



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- VI. I recommend that consideration should also be given to the setting aside of block of spectrum for the designated groups in each regional area.
- VII. I would also recommend that several avenues of alternative funding be explored for minorities, women and small businesses, and that your agency investigate the possibility of using funding from the Rural Certification Administration to help finance the bidding of small rural firms.
- VIII. I also recommend that eligibility for participation within the program be more closely defined.
- IX. I would recommend that a tax abatement or declining tax advantage be considered over a period of time.

I appreciate the opportunity to make these recommendations and look forward to the issuances of rules pertaining to Section 309(J) that are fair and equitable for all segments of the American population.

Sincerely,



Robert B. Adams

cc: Joshua I. Smith