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August 7, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

Dear Mr. Caton:

RE: Petition for Rulemaking of Apex Associates, Inc.
et al. to amend Section 73.1125 of the Commission's
Rules, MM Docket No. ____, RM ____ (filed July 8, 1996)

MMTC enthusiastically endorses the above referenced
Petition for Rulemaking. The Petition has great merit for
two reasons.

First, a station forced to locate its studio in the exurbs,
albeit it primarily serves a larger city, is less likely to
hire minorities than other stations serving essentially the
same market. 1/ Years of residential segregation have
confined minorities disproportionately to central cities.
Thus, artificial studio siting to exurbs perpetuates the
present effects of residential segregation. 2/

1/ See, e.g., Florida NAACP v. FCC, 24 F.3d 271, 274
(D.C. Cir. 1994); Chicago Renewals, 89 FCC2d 1031,
1042 (1982), reversed on other grounds sub nom. NBMC v.
FCC, 775 F.2d 342 (D.C. Cir. 1985).

2/ Cases in which unlawful and systematic exclusion of
minorities from one activity led to their exclusion
from another are familiar in civil rights jurisprudence.
See, e.g., U.S. ex rel. Golsby v. Harpole, 263 F.2d 71 (5th
Cir.), cert denied, 361 U.S. 850 (1959) (where Blacks had
been systematically denied the opportunity to register to
vote, Blacks were thereby systematically excluded from the
jury service for which voter registration was a predicate);
U.S. v. Yonkers Board of Education, 624 F.Supp. 1276
(S.D.N.Y. 1985) (state sponsored discrimination in siting
of public housing was found to unlawfully exacerbate school
segregation).

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MMB

Hon. William Caton

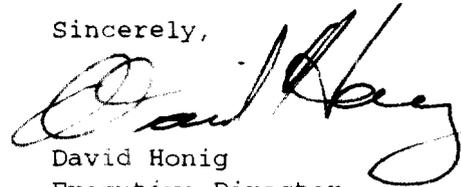
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Second, a disproportionate number of exurban stations are minority owned. These stations trace their roots to 1980's FM comparative proceedings, such as those flowing from Docket 80-90, or flowing from drop-ins which had been made to exurbs because the Commission could not render new allotments to central cities. As long as the Commission artificially restricts these stations' studio sites to exurbs, their minority owners necessarily find it more difficult to provide service to the central city populations which most minority broadcasters desire to serve. 3/ Thus, the main studio rule has had the unintended effect of hampering the Commission's efforts to foster minority ownership. 4/

The gross underrepresentation of minorities in broadcast employment and ownership cannot possibly be remedied entirely -- or even primarily -- by race neutral initiatives. However, a grant of the Apex Petition for Rulemaking would be a rare, but quite useful race-neutral step the Commission could take to foster minority participation in broadcast ownership and employment.

Sincerely,



David Honig
Executive Director

cc: David Tillotson, Esq.

/dh

3/ This artificial restriction to exurban sites also makes it less likely that minorities would compete successfully to purchase such stations from nonminority owners or from other minority owners.

4/ Recently, the Commission commendably sought comment on the question of whether its own licensing practices "may have impeded the ability of [minorities] to enter the communications market." Section 257 Proceeding to Identify and Eliminate Market Entry Barriers for Small Businesses (NOI), 11 FCC Rcd 6280, 6306 ¶37 (1996). The Commission's overly narrow application of main studio rule presents a prime example of a regulatory policy which materially inhibits minority ownership.