



**Minority Media &
Telecom Council**

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November 10, 2014

Marlene Dortch, Esq., Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

RE: Notice of *Ex Parte* Communication, MB Docket No. 14-50 (2014 Quadrennial Regulatory Review); MB Docket No. 09-182 (2010 Quadrennial Regulatory Review); MB Docket No. 07-294 (Broadcast Diversity); MB Docket No. 04-256 (Joint Sales Agreements); GN Docket No. 12-268 (Incentive Auction)

Dear Ms. Dortch:

This letter reports a meeting held on November 6, 2014 with Kalpak Gude, Associate Bureau Chief of the Media Bureau, and Julissa Marengo, Assistant Bureau Chief of the Media Bureau. David Honig, President Emeritus and General Counsel, and Jacqueline Clary, Senior Counsel and Assistant Policy Director represented MMTC.

The purpose of the meeting was to brief Mr. Gude and Ms. Marengo about MMTC's advocacy to increase minority ownership in media. David Honig discussed the Commission's tumultuous history with diversity, citing ownership structures that locked in discriminatory outcomes of our nation's past as well as diversity initiatives that the Commission briefly implemented to boost minority ownership and participation before *Adarand*¹ and the Commission's subsequent reduction of support for diversity initiatives. In order to satisfy constitutional scrutiny² while advancing the goals of the Communications Act, we urged the Commission to continue finding new ways to advance diversity by considering the myriad race-neutral proposals currently before the Commission.³ We provided an overview of the some of the proposals but, most importantly,

¹ See *Adarand Constructors v. Peña*, 515 U.S. 200, 227 (1995).

² See *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701, 735 (2007).

³ See e.g. Initial Comments of the Diversity and Competition Supporters in Response to the NPRM, MB Docket No. 09-182 *et al.* (Mar. 5, 2012); Comments of the Minority Media and Telecommunications Council in Response to the FNPRM, MB Docket No. 14-50 *et al.* (Aug. 6, 2014).

we encouraged the Commission to continue and to make diversity, diverse ownership, and diverse participation a policy priority in every aspect of its decision making process.

The Commission should encourage more diverse participation in every communications platform, as we cannot predict where future opportunities will necessarily arise.

Respectfully submitted,

Jacqueline Clary

Jacqueline Clary
Senior Counsel and Assistant Policy Director