



**Minority Media &
Telecom Council**

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December 12, 2014

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

RE: Notice of *Ex Parte* Communication, GN Docket No. 09-51 (National Broadband Plan); GN Docket No. 14-28 (Open Internet); GN Docket No. 09-191 (Preserving the Open Internet); WC Docket No. 07-52 (Broadband Industry Practices); MB Docket No. 14-109 (310(b)(4)); 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)

Dear Ms. Dortch:

This letter reports a meeting held on November 10, 2014 with members of the Enforcement Bureau, Paula Blizzard, Deputy Chief, Martha Heller, Assistant Bureau Chief, Christopher Killion, Associate Bureau Chief, and Gregory Simon, Attorney Advisor. David Honig, President Emeritus and General Counsel, Maurita Coley, Vice President and Chief Operating Officer, Dr. Nicol Turner Lee, Vice President and Chief Research and Policy Director, and Jacqueline Clary, Senior Counsel and Assistant Policy Director represented MMTC.

The purpose of the meeting was to touch base with the enforcement bureau on MMTC's civil rights advocacy on enforcement of Section 301(b)(4), creating a new civil rights branch of the Enforcement Bureau to handle equal employment opportunity (EEO) and advertisement nondiscrimination compliance, and borrowing from the complaint process established in Title VII of the 1964 Civil Rights Act to enforce open Internet provisions.

MMTC summarized the history of Section 310(b)(4) and explained, as brought to light from the Pandora Petition for Declaratory Ruling,¹ it is time for the Commission to enact a flexible and efficient means of allowing broadcasters that are public companies to estimate foreign ownership for compliance with Section 301(b)(4). The current interpretation that every owner of a share of

¹ See Reply Comments of the Minority Media and Telecommunications Council, MB Docket No. 14-109 (Sept. 29, 2014), p. 2.

stock that does not respond to a survey is a foreign entity is impractical in today's corporate legal system. Commission precedent has already established that reasonable methods of estimating foreign ownership are available² and should be considered as the Commission moves forward on this issue.

MMTC continues to urge the Commission to create a new civil rights branch of the Enforcement Bureau to ensure that when civil rights measures are adopted, such as the EEO rule and the advertising nondiscrimination rule, the Commission will marshal them in through an enforcement office with the skills, subject matter expertise, and resources necessary to ensure compliance. The Enforcement Bureau is well equipped to conduct random compliance audits in both of these areas. EEO audits should focus on whether employers who recruit primarily through word of mouth do so from homogeneous workforces – a key factor which the FCC has repeatedly recognized to be inherently discriminatory and thus disqualifying. Advertising nondiscrimination audits should focus, initially, on whether advertising sales contracts contain nondiscrimination language.

Finally, we urged the Commission to consider bolstering enforcement of open Internet rules by coupling a Section 706 regime with a consumer friendly Title VII complaint process.

Respectfully submitted,

David Honig

David Honig
President Emeritus and General Counsel

² See *id.* (citing *Application of WWOR-TV, Inc. for Transfer of Control of WWOR-TV, Inc., License of Station WWOR-TV, Channel 9 Secaucus, New Jersey, Memorandum Opinion & Order*, 6 FCC Rcd 6569, 6572 ¶13 (1991)).