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April 9, 2015

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

RE: Notice of *Ex Parte* Communication; EB Docket No. 04-296 (Multilingual Broadcast Emergency Communications); WT Docket No. 14-170 (Designated Entities); GN Docket No. 12-268 (Designated Entities); RM-11395 (Designated Entity); WT Docket No. 05-211 (Designated Entities); WC Docket No. 12-375 (Inmate Calling Services); WC Docket 11-42 (Lifeline Reform and Modernization)

Dear Ms. Dortch:

This letter reports on six meetings held on April 7, 2015. The first meeting was with Commissioner Ajit Pai, Nicholas Degani, Legal Advisor for Wireline, and Brendan Carr, Legal Advisor for Wireless, Public Safety and International. The second meeting was with Gigi B. Sohn, Counselor to the Chairman; Renee Gregory, Legal Advisor for Engineering and Technology, Wireless, and Incentive Auctions; and Eric Feigenbaum, Director of Outreach and Strategy for the Office of Media Relations. The third meeting was with Louis Peraertz, Senior Advisor for Wireless, Public Safety and International for Commissioner Mignon L. Clyburn. The fourth meeting was with Rebekah Goodheart, Wireline Legal Advisor for Commissioner Mignon L. Clyburn. The fifth meeting was with Commissioner Mike O'Rielly, Robin Colwell, Chief of Staff and Legal Advisor; Erin McGrath, Legal Advisor for Wireless, International & Public Safety; and, Amy Bender, Legal Advisor for Wireline. The sixth meeting was with Commissioner Jessica Rosenworcel and Jennifer Thompson, Confidential Assistant & Special Advisor.

MMTC attendees for the first, second, third, and fourth meetings included: Kim Keenan, President and CEO; David Honig, President Emeritus and Senior Advisor; Dr. Nicol Turner-Lee, Vice President and Chief Research and Policy Officer; and Charlyn Stanberry, Cathy Hughes Fellow. For the fifth and sixth meetings, Karen Bryson, Earl K. Moore Fellow and Law Clerk, participated.

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The following items were discussed in the meetings:

Multilingual Emergency Communications

MMTC focused on the need for immediate action to implement a multilingual emergency communications plan. MMTC recapped its March 13, 2015 meeting with Admiral David Simpson, Chief of the Public Safety and Homeland Security Bureau, where we advocated for mandatory statewide multilingual emergency alert system plans that can reach large non-English speaking populations, before, during and after an emergency.¹ In addition, MMTC recommended that these plans be mandatory for broadcast stations in markets with high concentrations of non-English speakers and few or no radio stations broadcasting in their languages. MMTC urged the Commission to consider whether a station that fails to help disseminate potential lifesaving multilingual information before, during, and after an emergency has the requisite character to be a broadcast licensee.²³ MMTC expressed its astonishment that the FCC has not acted on this issue in the last ten years, even after witnessing the devastation from Hurricane Katrina in New Orleans and Hurricane Sandy in New York.

Designated Entities

MMTC thanked the Commission for continuing its work on the Designated Entity (DE) program. MMTC asked the Commission to improve and expand the DE program to foster competition and diversity in the ownership of commercial wireless spectrum among small businesses, minority- and women-owned business enterprises (“MWBs”), and rural telephone companies.⁴ MMTC’s DNA is diverse ownership, and we highlighted that the DE program be preserved to allow bona fide small businesses, especially those that are new entrants, to participate and have an opportunity to become

¹ See MMTC Ex Parte, Review of the Emergency Alert System, Docket EB 04-296 *et al.* (filed March 13, 2015), available at <http://apps.fcc.gov/ecfs/comment/view?id=60001026638> (last accessed April 9, 2015) (discussing the delay in the implementation of a national multilingual emergency alerts system).

² See MMTC Reply Comments, Review of the Emergency Alert System, EB Docket No. 04-296 (filed June 12, 2014), available at <http://mmtconline.org/wp-content/uploads/2014/06/MMTC-Multilingual-EAS-Reply-Comments-06-12-14.pdf> (last visited April 7, 2015) (recommending that the Commission require broadcasters to develop a plan to ensure that non-English speaking populations receive timely access to both emergency alert system (EAS) alerts and non-EAS emergency information).

³ See *Columbus Broadcasting Company Inc.*, 40 FCC 641 (1965) (reaching the question of whether a broadcast licensee can use its license to incite a riot). In the EAS docket, MMTC urges the Commission to review license renewals when a broadcaster deliberately refuses to say (or help other broadcasters say) words that will save lives in an emergency.

⁴ See 47 U.S.C. §309(j)(3)(B). See also *Updating Part 1 Competitive Bidding Rules, et al.*, Statement of Commissioner Mignon L. Clyburn, WT Docket No. 14-170 (Oct. 10, 2014), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-146A2.pdf (last visited April 7, 2015); Roger C. Sherman, Empowering Small Businesses, FCC Blog (Aug. 1, 2014), available at <http://www.fcc.gov/blog/empowering-small-businesses> (last visited April 7, 2015).

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large job-creating businesses. We also urged the Commission to consider how the program rules impact all stakeholders, especially small businesses that are owned by minorities and women, who have greater challenges in accessing capital. MMTC continues to support the repeal of the Attributable Material Relationship Rule (AMR) and supports a five-year post-auction holding period to ensure meaningful DE participation and investment.⁵ To position DEs for sustainable future growth, MMTC encouraged the Commission to also consider secondary market transactions as a way to stabilize DE business models as outlined in our White Paper.⁶ On the heels of the completion of two auctions, the Commission can encourage companies to engage in secondary market transactions to help DEs aggregate additional and often necessary resources to become economically viable.

Lifeline Program

It is MMTC's opinion that the Lifeline program must be expanded to include broadband as a consumer option alongside voice. Gaining access to broadband for people with limited resources will help close the digital divide and cultivate first class digital citizenship. MMTC shared that the first step is to recognize the need to update the services and identify strategies for streamlining the eligibility process.

Inmate Calling Services

During the meeting with Rebekah Goodheart, MMTC confirmed our continued support on the reform of predatory inmate calling services and shared instances where exorbitant fees have hindered consistent communications between the incarcerated and their loved ones. In the meeting, David Honig shared a personal experience last year as *pro bono* chief counsel for the Florida NAACP where he had to return a call from an inmate. The call, including set-up and other fees, cost over \$56 for four minutes - a \$14.00 per minute rate that surpasses the hourly minimum wage in most states and is 31 times the per-minute cost of a call to Antarctica. To MMTC, this is a "tax on pain"⁷ for families in already dire circumstances and counterproductive to reducing recidivism and enhancing

⁵ See DE Coalition Reply Comments, *Updating Part I of Competitive Bidding Rules, et. al*, WB Docket No. 14-170 (filed March 11, 2015), available at <http://apps.fcc.gov/ecfs/comment/view?id=60001026336> (last visited April 9, 2015) (recommending that the Commission repeal the AMR Rule and maintaining the current post-auction holding period).

⁶ See S. Jenell Trigg and Jeneba Jalloh Ghatt, *Digital Déjà Vu: A Road Map for Promoting Minority Ownership in the Wireless Industry* (Feb. 25, 2014), available at http://mmtconline.org/wp-content/uploads/2014/02/Web-Unembargo-MMTC-WHITE-PAPER_WIRELESS-OWNERSHIP_2.24.14_FINAL-2.pdf (last visited April 7, 2015).

⁷ See *Transcript: MMTC President Kim Keenan's State of Broadband and Social Justice Address* as delivered January 2015, available at <http://broadbandandsocialjustice.org/2015/02/transcript-mmtpresident-and-ceo-kim-keenans-state-of-broadband-and-social-justice-address/> (last visited April 9, 2015).

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recovery for the incarcerated.

Respectfully submitted,

Kim Keenan

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President and CEO