



2077 Convention Center Concourse  
Suite 300 | Atlanta, GA 30337  
770.692.9031 | aspire.tv

April 4, 2016

**Via Electronic Filing**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, D.C. 20554

Re: *In Re Comcast Corporation*; MB Docket No. 10-56

Dear Ms. Dortch:

On March 24, 2016, the National Association of African-Owned Media and Entertainment Studios, Inc. (collectively "NAAOM") filed a "Petition for Immediate Investigation and Imposition of Conditions, Monetary Forfeitures, Revocation and/or Non-Renewal of Licenses" in this docket. I am submitting this letter to demonstrate that NAAOM's assertions regarding the ownership and control of Aspire Channel, LLC ("Aspire") and its "ASPIRE" network are false.

Stringing together a series of assertions from unsourced Internet articles, NAAOM claims that:

From these and other similar descriptions all easily found on the Internet, the Commission could have determined that serious questions exist about Aspire's bona fides. Indeed, the readily available information already strongly indicates that Aspire in fact was nothing but a front, a sham designed to create the misimpression of compliance with the Comcast condition while, in fact, simply serving as a cover to permit a white-owned, controlled and operated entity, GMC, and its owner, white-owned InterMedia, to acquire yet another cable channel.

Petition at ¶15. As set forth below, both the snippets from the unsourced Internet reports and NAAOM's scurrilous assertions that Aspire is a "front" and "sham" are demonstrably false and have no place in Commission filings.

Earvin Johnson, when informed of the Petition, expressed his disappointment that NAAOM would seek to abuse the Commission's processes in connection with ongoing commercial litigation with Comcast:

Ms. Marlene H. Dortch, Secretary  
April 4, 2016  
Page 2

As the majority owner of ASPIRE, it's unfortunate that NAAAOM has made these derogatory and inflammatory comments about my network, ASPIRE. We, my executive board and ASPIRE staff, are grateful for Comcast and their outstanding committee that has made a way for African American owners to do business in television. They have provided opportunities for ASPIRE to showcase positive images and authentic portrayals of African Americans and urban culture. I am proud of my network and will continue to use my platform and influence to advance the community.

NAAOM provides no basis for any investigation, much less one involving Aspire, and the Commission should not become involved in NAAOM's attempts to gain commercial leverage against Comcast.

#### Governance and Ownership of Aspire

The governance and ownership of Aspire is pursuant to the Amended and Restated Limited Liability Company Agreement for Aspire Channel, LLC, dated as of April 3, 2012 ("LLC Agreement"). Pursuant to the LLC Agreement, a Board of Managers manages the business of Aspire. The Board of Managers is comprised of five managers, and a trust for which Mr. Johnson is the sole trustee appoints three of the five managers. Mr. Johnson was one of the initial managers and continues to serve as a manager and Executive Chairman of the Board of Managers. Thus, Mr. Johnson controls the management of Aspire.

The trust for which Mr. Johnson is the sole trustee owns 95.5% of the Common Units of Aspire while UP Entertainment, LLC owns 4.5% of those units, which ensures Mr. Johnson's continued control of Aspire. There is also a series of Preferred Units owned by the Yucaipa Funds, which share in Aspire distributions and appoint one of the five managers.

In short, there can be no question that Mr. Johnson controls, and has a substantial ownership interest in, Aspire. Aspire is a certified minority business by the National Minority Supplier Diversity Council (NMSDC) through the Georgia Minority Supplier Diversity Council (GMSDC).

#### Operation of Aspire

When Aspire was formed, Mr. Johnson entered into a services Agreement pursuant to which he exercises control over the management, operation and creative development efforts of Aspire. His duties include overseeing UP's performance of services for Aspire. Mr. Johnson exercises that control personally and through Magic Johnson Enterprises.

I was recently promoted to Vice President, Business Affairs and Channel Operations at Aspire, and my own experiences and communications provide a good example of Mr. Johnson's

Ms. Marlene H. Dortch, Secretary  
April 4, 2016  
Page 3

direct and indirect involvement in, and control of, Aspire. Last month, I attended "Beyond All Limits," a corporate retreat organized by Magic Johnson Enterprises. The retreat included a series of presentations so that attendees have a clear understanding of how Mr. Johnson's businesses operate and what is expected from their management. I made the presentation regarding Aspire.

I regularly communicate with Eric Holoman, President of Magic Johnson Enterprises and one of the five Managers of Aspire, including through weekly reports and scheduled telephone calls. I also communicate with Christina Francis, Senior Vice President of Marketing of Magic Johnson Enterprises, through day-to-day emails and telephone calls.

#### Services Provided by UP Entertainment

UP Entertainment provides various services to Aspire. As a start-up programming service, Aspire has sought to benefit from UP's existing infrastructure and experience. UP's (then Gospel Music Channel) "partnership" with Aspire was disclosed to Comcast by virtue of the disclosure that UP was providing services to Aspire. By using these services, Aspire, which was formed on February 1, 2012, was able to launch by late June 2012.

Aspire has had its own employees (ranging from approximately 10-15) since shortly after its inception, and, as noted above, Mr. Johnson, directly and through Magic Johnson Enterprises, supervises the services provided by UP to Aspire. The fact that Aspire obtains cost-effective services from UP does not affect its independence.

NAAOM appears to make much of the fact that, two weeks after Aspire's formation and before it was operational, Gospel Music Channel, LLC (now UP) filed a trademark application to protect the "Aspire" name. NAAOM does not inform the Commission that the trademarks which UP had obtained for Aspire were assigned to Aspire in 2013. Such assignments were recorded in the United States Patent and Trademark Office and are publicly available to NAAOM. Likewise, NAAOM does not inform the Commission of the Amendment to Trademark Reg. No. 3,554,845, issued directly to Aspire.

#### Programming on Aspire

In its criticism of Aspire's programming, NAAOM simply ignores the original and curated programming aired by Aspire:

Ms. Marlene H. Dortch, Secretary

April 4, 2016

Page 4

Title	Description
ABFF Independent	Hosted by David Banner, <i>ABFF Independent</i> is a showcase of popular and award winning films from the American Black Film Festival (ABFF).
Exhale	Angela Burt-Murray, Erin Jackson, Issa Rae, Malinda Williams and Rene Syler of the provocative talk series <i>EXHALE</i> , bring you an hour of honesty and entertainment...where nothing is held back.
The Root 100	<i>The Root 100</i> is a groundbreaking interview series on ASPIRE featuring 24 of the most intriguing honorees of "The Root 100," the annual list of African- American achievers and influencers between the ages of 25 and 45.
Laff Mobb's We Got Next	<i>Laff Mobb's We Got Next</i> delivers a next generation twist on stand-up. An entertaining half hour where reality meets clean stand-up comedy via performances and profiles of the next generation of great African American comics.
Changemakers	<i>Changemakers</i> is a half hour reality series that follows today's celebrities as they use their success and a hands-on approach to giving back to today's young people to ensure the next generation accomplishes their dreams.
Jam Session	In <i>Jam Session</i> , ASPIRE celebrates the best in independent music via themed half-hour specials that showcase acoustic performances from a variety of independent and on-the-rise artists.
Magic In The Making	Earvin "Magic" Johnson sits down with American Ballet Theater principal dancer and pop culture phenomenon, Misty Copeland for an honest and intimate conversation about her path to success, how she's using her platform to inspire other young African American ballerinas, and what she aspires to in the future.

In addition to these shows, Aspire currently has in development/production the following additional titles: *Comic Edge*, *Butter + Brown*, *Mommy Uncensored*, and *The Graduates*. Likewise, NAAOM ignores the numerous movies aired by Aspire, including its *Big Screen Small Bites* curated series, as well as shows such as *Black College Quiz*, and *Soul Food*.<sup>1</sup> Aspire also airs football and basketball games from Historically Black Colleges and Universities ("HBCU").

\* \* \*

---

<sup>1</sup> Aspire has licensed and aired *Soul Train* from Soul Train Holdings, LLC, which is owned by InterMedia Partners, L.P. and a partnership between Magic Johnson Enterprises and The Yucaipa Companies. However, InterMedia Partners, L.P. does not have any involvement with the shows *Room 222*, *The Mod Squad*, *Julia*, or *The Flip Wilson Show* as claimed by NAAOM. Petition at 18.

Ms. Marlene H. Dortch, Secretary  
April 4, 2016  
Page 5

NAAOM has provided no basis for questioning the representations and conduct of Aspire or Comcast. Mr. Johnson controls Aspire and exercises that control in its operations and content. Aspire appreciates the opportunity that Comcast and the Commission have provided to expand the diversity of programming available to African American viewers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melissa M. Ingram". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Melissa M. Ingram  
Vice President, Business Affairs  
and Channel Operations

cc: Tom Wheeler, Chairman  
Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Michael O'Rielly