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Beverly Hills, CA 90211

Ms. Marlene H. Dortch, Secretary Federal Communications Commission
445 12th Street, SW Washington, DC 20554

Re: Ex Parte Presentation in MB Docket No. 15-149

Dear Ms. Dortch:

Today, April 28th, 2016, on behalf of the National Association of African American-Owned Media (“NAAAOM”) and Entertainment Studios Networks, Inc. (“ESI”), I the undersigned spoke with Jessica Almond, Legal Advisor to Chairman Tom Wheeler, regarding the proposed merger in this docket.

In the meeting, I expressed concern that media reports and public statements by Chairman Wheeler did not specifically mention conditions protecting 100% African-American Owned Media firms. Thus, I stressed the need, in the meeting, for Chairman Wheeler to amend the draft order to include specific, clear, enforceable merger conditions designed to increase minority-owned independent programming sources. Specifically, the Commission should adopt the proposal proffered in 2010 by former FCC Chairman Kevin Martin on behalf of ESI in the then-pending Comcast/NBCU merger (see attached) (“Chairman Martin Proposal”). Under the Chairman Martin Proposal, the Commission would impose the following condition:

New Charter sets aside 10% of all its activated channel capacity, no fewer than 50 video programming services, for the carriage of 100% African-American owned channels.

This proposed condition is clear and easily enforced: there is no ambiguity about how many networks are carried or how to attribute minority ownership stakes. Charter, while not holding as many vertically integrated programming properties as Comcast/NBCU, already has conceded its need to improve its practices with respect to minority communities, and minority-owned.

Charter’s bogus “Memorandum of Understanding” with Al Sharpton and other “Civil Rights Leaders” is meaningless in terms of tangible steps but shows that even Charter acknowledges that they have failed to work substantively with African-Americans in any capacity.

It is time for Chairman Wheeler to live up to his responsibilities and promote a level playing field for African-American programmers. It is for this reason that I stressed in this meeting and also in phone calls and emails to staff members of Chairman Wheeler including Gigi Sohn, Ruth Milkman and Kim Mattos that it is unacceptable for Chairman Wheeler to refuse to meet with ESI Chairman and CEO Byron Allen. Chairman Wheeler has held multiple meetings with Charter CEO Tom Rutledge but has refused to meet with Mr. Allen or other representatives of the National Association of African-American Owned Media.

Chairman Wheeler must stop ignoring black voices---he must meet with Byron Allen and he must add the critical Chairman Martin Proposal to protect 100% African-American Owned Media.