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May 6, 2016

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

Re: *Ex Parte* disclosure pursuant to 47 CFR § 1.1206(b) in MB Docket Nos. 09-182, 07-294, 14-50

Dear Ms. Dortch:

The following individuals, representing the Leadership Conference on Civil and Human Rights Media and Telecommunications Task Force, conducted three meetings at the Commission: Corrine Yu, The Leadership Conference on Civil and Human Rights, Cheryl Leanza, United Church of Christ, OC Inc.; Michael Macleod-Ball, American Civil Liberties Union; Mike Scurato and Andy Lomeli with National Hispanic Media Coalition; Hazeen Ashby, National Urban League; Olivia Wein, National Consumer Law Center; and Todd O'Boyle, Common Cause. The first two meetings were on May 4, one with David Grossman in Commissioner Clyburn's office, including a short part of the meeting with Commissioner Clyburn, and another with Marc Paul of Commissioner Rosenworcel's office. The third meeting was on May 5 with Jessica Almond of the Chairman's office and included Corrine Yu, Cheryl Leanza, Hazeen Ashby and Andy Lomeli.

We stressed the importance of media ownership diversity as one of the most important civil rights priorities. We stressed that any order in this docket must do no harm to media ownership diversity—either by relaxing ownership rules or by eliminating underlying legal theories that promote ownership diversity. Taking action at this time, particularly when the broadcast television industry is undergoing a radical transformation via the incentive auction would be imprudent, particularly since the Commission has no analysis about the impact of the auction on ownership diversity at this time. As the U.S. Court of Appeals for the Third Circuit has found twice, and as it is likely to do again in light of the recent oral argument, the Commission cannot relax ownership rules without analyzing the impact of that relaxation on ownership rates by women and people of color. The Commission must collect that data.

We urged the Commission to remedy the errors of past quadrennial reviews, particularly with respect to the adequacy of data under consideration and the amount of time stakeholders have to consider the data entered into the record in this proceeding. We welcomed the Hispanic television study recently released by the Commission. In particular, we noted that the study found only 23 unique Hispanic-owned television stations in the 39 markets it studied, which contain 78.8 percent of all Hispanic television households in the U.S. The study also found that Hispanic ownership (and not merely the Spanish-language stations)



was likely to be correlated with increased local programming and more popular programming among the Hispanic community. We expressed concern that the study will have little time to be peer reviewed or considered by the Commission given that the Chairman has indicated he intends to circulate a draft order by June 30 of this year. Of greater concern, the FCC has not yet released the Form 323 ownership diversity data collected in December 2015. We asked the Commission not to repeat the mistakes with the 2011 data, which were released extremely late, and simultaneous with the circulation of a draft quadrennial order.

We expressed extreme concern with several of the tentative conclusions in the NPRM in this docket. Specifically, the Commission's analysis that radio does not contribute to viewpoint diversity because of the relatively few all-news format stations is not only counterfactual,<sup>1</sup> but would undermine the constitutional basis for promoting ownership diversity in radio at all. It is also inconsistent with recent efforts by the Commission to revitalize AM radio and to create the LPFM service—each of which are premised on the importance of adding new voices and retaining diverse voices in radio.

We further expressed concern about other changes that might permit licensees to ignore ownership rules, for example, by using joint sales agreements and shared services agreements. We praised the Commission's previous efforts on JSAs and encouraged them to continue their efforts to analyze SSAs.

With Ms. Almond, we discussed our concerns with relaxation to the newspaper-broadcast rule. In particular, we explained that newspapers and television continue to be the only enterprises engaged in serious hard news reporting, such as collecting of new information, as compared with the opinions and analysis of news which occurs on most new platforms. Further, we expressed our doubt that any merger between those platforms would result in investment in additional reporting. The current practices in the industry, such as SSAs, show only trends toward eliminating jobs, including reporting jobs, and repurposing the same news on multiple outlets.

We highlighted that our comments included a number of other problematic conclusions and urged the Commission staff to retract and correct those in the forthcoming order. We shared copies of the Leadership Conference comments<sup>2</sup> in this docket as well as the joint reply comments by UCC OC Inc. and Common Cause,<sup>3</sup> and UCC OC Inc. et al.'s comments with Mr. Grossman and Mr. Paul.<sup>4</sup>

Sincerely,

Cheryl A. Leanza  
Co-Chair, Media and Telecommunications TF

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<sup>1</sup> For example, the American Press Institute found that 65 percent of all Americans obtained news from radio in the past week. The Personal News Cycle: How Americans choose to get their news (2014) available at:

<https://www.americanpressinstitute.org/publications/reports/survey-research/how-americans-get-news/>

<sup>2</sup> These comments are available in the docket at: <http://apps.fcc.gov/ecfs/document/view?id=60001548414>

<sup>3</sup> These comments are available in the docket at: <http://apps.fcc.gov/ecfs/document/view?id=60000979207>

<sup>4</sup> These comments are available in the docket at: <http://apps.fcc.gov/ecfs/document/view?id=7521751451>

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Policy Advisor, UCC OC Inc.