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June 8, 2016

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

RE: 2014 Quadrennial Review *et al.*, MB Dockets 14-50, 09-182 and 07-294

Dear Ms. Dortch:

This letter reports on a meeting that was held June 7, 2016 with Media Bureau Chief William Lake, Media Bureau Deputy Chiefs Mary Beth Murphy and Jamila Bess Johnson, Media Bureau Industry Analysis Division Chief Brendan Holland, Media Bureau Industry Analysis Division Deputy Chief Ben Arden, Media Bureau Attorney Advisor Christopher Clark, Deputy General Counsel David Gossett, Office of General Counsel Administrative Law Division Attorney Advisors Royce Sherlock and Marilyn Sonn, Office of Communications Business Opportunities Director Thomas Reed, MMTC President Emeritus and Senior Advisor David Honig, and MMTC Law Clerk Meagan Sunn.

The meeting was held to discuss 17 proposals to be considered by the Commission in the wake of *Prometheus Radio Project v. FCC*, Case No. 15-3863 (3d Cir., slip op., May 25, 2016) ("*Prometheus III*"). The numbering system used for the 17 proposals is that used in the Supplemental Comments of the Diversity and Competition Supporters in Response to the Notice of Proposed Rulemaking, 2010 Quadrennial Review *et al.*, MB Docket Nos. 09-182 and 07-294 (filed April 3, 2012) ("*Supplemental Comments*"), a copy of which was provided by MMTC at the meeting. The history and substantive details of all of the proposals are provided in the Supplemental Comments.¹ The 17 proposals are:

- Proposal 5: Examine How to Promote Minority Ownership as an Integral Part of All FCC General Media Rulemaking Proceedings
- Proposal 6: Designate a Commissioner to Oversee Access to Capital and Funding Acquisition Recommendations

¹ Seven additional proposals figuring in *Prometheus III* sought recommendations to Congress. MMTC is not requesting Commission consideration of those seven proposals at this time. Those seven proposals are numbered 41, 42, 43, 44, 45, 46 and 47.

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- Proposal 7: Create a Media and Telecom Public Engineer Position to Assist Small Businesses and Nonprofits with Routine Engineering Matters)
- Proposal 9: Grant Eligible Entities a Rebuttable Presumption of Eligibility for Waivers, Reductions, or Deferrals of Commission Fees
- Proposal 10: Extend the Cable Procurement Rule to Broadcasting
- Proposal 27: Collect, Study and Report on Minority and Women Participation in Each Step for the Broadcast Auction Process
- Proposal 29: Increase Broadcast Auction Discounts to New Entrants
- Proposal 30: Require Minimum Opening Bid Deposits on Each Allotment for Bidders Bidding for an Excessive Proportion of Available Allotments
- Proposal 31: Only Allow Subsequent Bids to Be Made Within No More than Six Rounds Following the Initial Bid
- Proposal 32: Require Bidders to Specify an Intention to Bid Only on Channels With a Total Minimum Bid of Four Times Their Deposits
- Proposal 33: Mathematical Touchstones: Tipping Points for the Non-Viability of Independently Owned Radio Stations in a Consolidating Market and Quantifying Source Diversity
- Proposal 34: Must-Carry for Certain Class A Stations
- Proposal 35: Conduct Tutorials on Radio Engineering Rules at Headquarters and Annual Conferences
- Proposal 36: Develop an Online Resource Directory to Enhance Recruitment, Career Advancement, and Diversity Efforts
- Proposal 37: Engage Economists to Develop a Model for Market-Based Tradable Diversity Credits as an Alternative to Voice Tests
- Proposal 39: Study the Feasibility of a New Radio Agreement with Cuba
- Proposal 40: Create a New Civil Rights Branch of the Enforcement Bureau.

Each of the 17 proposals was discussed with an eye to considering whether it should be considered and granted by the Commission on the current record; put out for comment through an NPRM; withdrawn as premature, moot, or superseded by events; held for the 2018 quadrennial; or modified and resubmitted.

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The factors discussed in the meeting were the proposals' cost of implementation, need for congressional support or approval, and the extent to which minority entrepreneurs and the public would benefit.

MMTC, Media Bureau staff and OGC staff will convene a followup meeting on June 14, after MMTC has had an opportunity to internally review the fruits of the June 7 meeting. Thereafter MMTC will promptly submit a revised and annotated set of proposals.

I briefly raised one additional matter: the desirability of Commission consideration of the Overcoming Disadvantages Preference ("ODP"), which is on remand from *Prometheus III*. I characterized ODP as a potential solution to the quandary of affirmative action - how to find a race-neutral method of advancing minority and women participation in business - that has faced a host of federal agencies, including the FCC, for more than 40 years.

Sincerely,

David Honig

David Honig

President Emeritus and Senior Advisor

cc: William Lake, Esq.
Jamila Bess Johnson, Esq.
Mary Beth Murphy, Esq.
Brendan Holland, Esq.
Ben Arden, Esq.
Christopher Clark, Esq.
David Gossett, Esq.
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