

August 6, 2003



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 12th Street, SW
Washington, DC 20554

Re: Notice of *Ex parte* Presentation

MB Docket No. 02-235
HBC/Univision

Dear Ms. Dortch:

On August 5, 2002, Andrew Jay Schwartzman of the Media Access Project met separately with Paul Gallant, Legal Advisor to the Chairman, and Commissioner Kevin Martin. Mr. Schwartzman made substantially similar presentations to each.

Mr. Schwartzman argued that the Commission should treat Spanish language radio as a distinct market for diversity purposes. He stressed the barriers to entry which would be faced by anyone attempting to start Spanish language stations. Hispanic audiences are especially loathe to switch brand loyalties, as is shown by record evidence from Hispanic academics. More generally, Mr. Schwartzman commented on the difficulty of promoting new radio stations when competitors control other local media markets. He noted that Univision has a track record of "locking up" important talent. (Mr. Gallant asked if there is record evidence on this point in addition to the recent Wall Street Journal article. SBS did provide such material at page 7, footnote 28 of its July 14, 2003 submission. The footnote makes reference to a Univision 10K filing.)

Finally, Mr. Schwartzman observed that the Commission has, since 1981, recognized that radio broadcasters are expected to seek out and serve specific segments of the radio audience. This shows that Commission policy not only permits, but actually encourages, recognition of specific audience market segments for purposes of diversity analysis.

Sincerely,

Andrew Jay Schwartzman
President and CEO

cc. Commissioner Martin
Paul Gallant