

**CENTER FOR DIGITAL DEMOCRACY**  
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**BY ELECTRONIC FILING**

Marlene. H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Consolidated Application of GM Corp., Hughes Electronics Corp., and The News Corp. for Authority to Transfer Control: MB Docket No. 03-124

Dear Ms. Dortch:

The Commission should reject as meaningless the so-called “diversity” promises of the applicants made in a September 11<sup>th</sup> letter. The failure of the applicants to offer meaningful diversity safeguards is another example of why this merger has **no** real public interest benefits.

If the Applicants were truly interested in diversity, they wouldn’t just resort listing hand me downs such as “classes,” “boot camps,” “Hollywood CPR vocational training” or “business plan reviews.” The Applicants know well that the real issue is ensuring multiple independent national and local channels operated and owned by persons of color. As the FCC should recognize, today there is not one independently owned African American channel that has any meaningful distribution on cable. Viacom owns BET; Comcast controls its new TV One venture. There are many programmers attempting to create successful channels that have met with obstacles from the industry.

Does News Corp./Fox honestly believe that because it airs *American Idol*, *The 2003 Essence Awards*, and *The 35<sup>th</sup> Annual NAACP Image Awards*, as it suggests, that it reflects a serious commitment to programmatic diversity? Beyond the narrow commercial framework articulated by News Corp. et al., is the need to ensure multiple commercial and non-commercial channels that serve the civic and cultural needs of diverse communities.

Where are the commitments that would provide significant channel capacity for new commercial and non-commercial channels owned and operated by persons of color; real offers of per subscriber fees that would help launch such efforts; a guarantee to harness DBS “spotbeam” technology to distribute new channels serving distinct communities; a sharing of the digital video recorder and video on demand market that the applicants claim they will facilitate; serious support for new news and public affairs channels. They are absent from this filing.

As Chairman Powell launches a new diversity initiative, the Commission should view the 9/11 filing by News Corp. et al as an example of what **not** to replicate. The FCC should reject the fanciful notion of the applicants that they have made any serious new public interest commitment.

Sincerely,

Jeffrey A. Chester  
Executive Director