

Federal Advisory Committee on Diversity In The Digital Age

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<http://www.fcc.gov/Diversity/FAC>

DOCKET FILE COPY ORIGINAL

October 7, 2004

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

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OCT - 7 2004

Federal Communications Commission
Office of the Secretary

RM-11019

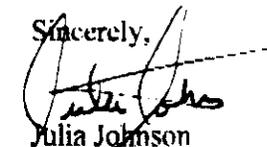
Dear Commissioner Copps:

On Monday, October 4, 2004, the Federal Advisory Committee on Diversity in the Digital Age held its fourth meeting. It was a productive and successful meeting in which the Committee took the following steps designed to promote diversity in telecommunications and related industries. The Committee took the following actions:

1. Adopted a resolution that "strongly urges the Commission to maintain effective DE rules to increase opportunities for small and minority and women owned businesses." The resolution noted that "[a] current example where we believe maintaining DE rules could be effective would be found in the upcoming Auction 58 where application of current DE rules, including the C-Block eligibility rules established in 2000 could significantly enhance opportunity." [A copy of the resolution is attached.]
2. Commended "to the Commission, for the issuance of a notice or notices of proposed rulemaking, nine possible ways to foster ownership diversity in the commercial FM radio band." [A copy of the recommendation is attached.]

Thank you for your consideration of these recommendations. The Committee devoted a lot of time and effort to create these innovative yet practical solutions. If you have any questions, please contact myself, Linda Blair or Maureen C. McLaughlin for more information.

Sincerely,


Julia Johnson
Chairman

Federal Advisory Committee on Diversity in the Digital Age

No. of Copies rec'd 2
List ABOVE

Members: Jenny Alonzo, Decker Anstrom, Andrew Barrett, Matthew Blank, Maria Brennan, Benita Fitzgerald Mosley, A. Anthony Gee, Joan Gerberding, Steve Hillard, Priscilla Hill-Ardoin, David Honig, Jamie Howard, Julia Johnson, Ginger Lew, Alfred C. Liggins, Yanya McCann, Francisco R. Montero, Henry Rivera, Riley Temple, Lauren Tyler, Terdema Ussery, Alex Wallau, Kelvin Westbrook, Jim Winston, Roscoe Young.

Federal Advisory Committee on Diversity In The Digital Age

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October 7, 2004

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

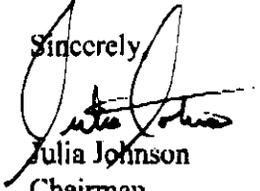
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October 7, 2004

Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

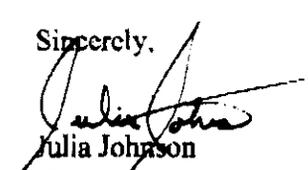
Dear Commissioner Adelstein:

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October 7, 2004

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

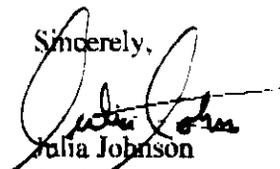
Dear Commissioner Abernathy:

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October 7, 2004

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

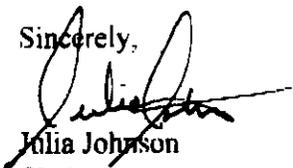
Dear Chairman Powell:

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The Advisory Committee on Diversity for Communications in the Digital Age

Monday, October 4, 2004
Meeting by Teleconference
3:00 p.m. – 4:00 p.m.

Minutes

1. The Advisory Committee on Diversity for Communications in the Digital Age held a public meeting on October 4, 2004, from 3-4 pm, by teleconference.
2. Participants included:

- a. FAC members:

Julia Johnson, President, NetCommunications, Chair Emerging Issues Policy Forum
Jenny Alonzo, President, National Association for Multiethnicity In Communications, and Vice President, Production & Inventory Operations, Lifetime Television
Decker Anstrom, President, COO, Landmark Communications
Andrew Barrett, Managing Director, The Barrett Group, Inc.
Anthony Gee, Managing Partner, The Carthage Group
Benita Fitzgerald Mosley, President, Women in Cable and Telecommunications
Priscilla Hill-Ardoin, Senior Vice-President, Regulatory Compliance, SBC
Steve Hillard, President, CEO, Council Tree Communications
David Honig, Executive Director, Minority Media and Telecommunications Council
Ginger Lew, CEO, Telecommunications Development Fund
Vonya McCann, Senior Vice President, Federal External Affairs, Sprint
Francisco R. Montero, Partner, Fletcher, Heald & Hildreth,
Henry Rivera, Partner, Vinson & Elkins
Riley Temple, Partner, Halprin and Temple
Lauren Tyler, Partner, Quetzal/JP Morgan Partners
Terdema Ussery, President, CEO, Dallas Mavericks, and CEO, HDNet
Kelvin Westbrook, President, CEO, Millennium Digital Media

The following FAC members did not attend:

Matthew Blank, Chairman, CEO, Showtime Networks
Maria Brennan, Executive Director, American Women in Radio and Television

Joan Gerberding, President, Nassau Radio Network
Jamie Howard, COO, BigBand Networks, Inc.
Alfred C. Liggins, III, President, CEO, Radio One
Alex Wallau, President, ABC Television Network
Jim Winston, National Association of Black-Owned Broadcasters
Roscoe Young, II, CEO, KMC Telecom (represented by Marva Johnson)

The following FAC experts also attended: Ari Fitzgerald and Yvette Mouton.

- b. FCC Staff: Linda Blair, Designated Federal Officer (DFO); Maureen C. McLaughlin, Alternate DFO; Sherille Ismail, Office of Strategic Planning; Erin Boone, Office of Strategic Planning; Jean Ann Collins, Office of Strategic Planning; Jamila Bess-Johnson, Media Bureau; Johanna Mikes Shelton, Legal Advisor for Media Issues, Office of Commissioner Adelstein.
 - c. Members of the public submitted written statements: T-Mobile USA, Inc.; CTIA – The Wireless Association™; Richard Dean Hodson d/b/a Hodson Broadcasting.
 - d. Members of the public who made oral presentations: Diane Cornell, Vice President for Regulatory Policy, CTIA; Richard Dean Hodson d/b/a Hodson Broadcasting.
 - e. Other members of the public: Several members of the public participated in the teleconference. Others may have listened over the Internet.
3. Description of matters discussed and their resolution.
- a. Welcoming Remarks, Roll Call, Discussion of Meeting Protocol: Chair Julia Johnson.
 - b. Chair Julia Johnson announced that the next Committee meeting is scheduled to take place on December 10, 2004, in Miami, Florida, and requested subcommittees to submit matters for consideration at that meeting by November 19, 2004.
 - c. Riley Temple, Chair of the New Technologies subcommittee, and Ari Fitzgerald, a subject matter expert, discussed the proposed “Resolution Supporting Retention of Designated Entity Rules” as amended on September 21, 2004. [A copy of the resolution is attached.] Francisco Montero, Andrew Barrett, and David Honig also made comments. The Committee voted to adopt the resolution. The following fourteen members voted in favor of adopting the resolution: Jenny Alonzo, Decker Anstrom, Andrew Barrett, Benita Fitzgerald Mosley, Anthony Gee, Steve Hillard, David Honig, Julia Johnson, Ginger Lew, Francisco R. Montero,

Henry Rivera, Lauren Tyler, Terdema Ussery, and Kelvin Westbrook. Three members abstained: Priscilla Hill-Ardoin, Vonya McCann, and Riley Temple. Eight members did not participate in the vote: Matthew Blank, Maria Brennan, Joan Gerberding, Jamie Howard, Alfred C. Liggins, III, Alex Wallau, Jim Winston, and Roscoe Young, II.

- d. Riley Temple, Chair of the Subcommittee on New Technologies, and David Honig, Member, presented the October 1, 2004, proposal regarding the FM Radio Rules -- "Recommendation on Diversifying Ownership in the Commercial FM Radio Band." [A copy of the resolution is attached.] The Committee voted to adopt the recommendation. The following 17 members voted in favor of the recommendation: Jenny Alonzo, Decker Anstrom, Andrew Barrett, Benita Fitzgerald Mosley, Anthony Gee, Steve Hillard, Priscilla Hill-Ardoin, David Honig, Julia Johnson, Ginger Lew, Vonya McCann, Francisco R. Montero, Riley Temple, Henry Rivera, Lauren Tyler, Terdema Ussery, and Kelvin Westbrook. The following eight members did not participate in the vote: Matthew Blank, Maria Brennan, Joan Gerberding, Jamie Howard, Alfred C. Liggins, III, Alex Wallau, Jim Winston, and Roscoe Young, II.
- e. Chair Julia Johnson invited reports from the subcommittee chairs. There were no reports.
- f. Chair Julia Johnson invited public comment. In response, Diane Cornell, Vice President for Regulatory Policy, CTIA, stated that the issue is not whether to support participation by designated entities in auctions, but rather, how best to support such participation. In this regard, Ms. Cornell asserted that bidding credits were a proven success and set asides were a proven failure. Additionally, Richard Hodson, d/b/a Hodson Broadcasting, provided comments regarding difficulties he has encountered relating to both market entry barriers and lack of commercial FM broadcast opportunities. Mr. Hodson also referred to his Section 257 pleading in MB Docket No. 04-228.
- g. Chair Julia Johnson repeated that the next meeting of the Commission was scheduled for December 10, 2004, in Miami, Florida. The meeting was then adjourned.

4. Certification

I, Julia Johnson, Chair of the Advisory Committee on Diversity for Communications in the Digital Age ("Diversity Committee"), hereby certify that the above minutes accurately describe the fourth meeting of the Diversity Committee, held on October 4, 2004, by teleconference from 3:00 p.m. - 4:00 p.m.



Julia Johnson
Chair, Advisory Committee on Diversity for Communications in the Digital Age

Recommendation on Diversifying Ownership in the Commercial FM Radio Band

The Subcommittee on Emerging Technologies proposes that the full Advisory Committee commend to the Commission, for the issuance of a notice or notices of proposed rulemaking, nine possible ways to foster ownership diversity in the commercial FM radio band (92.1 - 107.9 mhz), as outlined in the Subcommittee's June 11, 2004 Recommendation:

1. Create Medium Power FM Stations.
2. Replace the FM Table with Interference-Based Allotment Criteria
3. Allow Class A Stations to Use Low Towers and Higher-Than-Standard Power while Retaining Appropriate ERP Levels
4. Conduct a Comprehensive Channel Search for New FM Allotments
5. Harmonize Regional Interference Protection Standards
6. Repeal the Third-Adjacent FM Contour Rules
7. Relax the Community of License and Transmitter Site Rules
8. Authorize Interference Agreements
9. Require Same-Day Updates of Entitlements to Bidding Credits

Resolution Supporting Retention of Designated Entity Rules

Whereas:

The Commission's Designated Entity ("DE") rules, including the broadband PCS C-Block spectrum set-aside, 47 C.F.R. § 24.709, were developed to satisfy the Commission's obligations under Section 309(j) of the Communications Act to provide small and minority and women-owned businesses ("Entrepreneurial Companies") with meaningful access to the spectrum needed to provide wireless services;

The often times capital-intensive nature of communications businesses and the difficulties experienced by Entrepreneurial Companies in accessing capital make it virtually impossible for Entrepreneurial Companies to secure valuable spectrum licenses when bidding against well-capitalized incumbents;

Entrepreneurial Companies will be successful in raising the capital needed to acquire and build out valuable spectrum licenses only if the capital markets perceive that the FCC's Designated Entity eligibility rules will remain stable and certain;

Therefore, be it
RESOLVED that the Advisory Committee on Diversity for Communications in the Digital Age strongly urges the Commission to maintain effective DE rules to increase opportunities for small and minority and women owned businesses. A current example where we believe maintaining DE rules could be effective would be found in the upcoming Auction 58 where application of current DE rules, including the C-Block eligibility rules established in 2000 could significantly enhance opportunity.