

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

2006 Quadrennial Regulatory Review –)	MB Docket No. 06-121
Review of the Commission’s Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	
)	
2002 Biennial Regulatory Review – Review of)	MB Docket No. 02-277
the Commission’s Broadcast Ownership Rules)	
and Other Rules Adopted Pursuant to Section)	
202 of the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket No. 01-235
Newspapers)	
)	
Rules and Policies Concerning Multiple)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations in)	
Local Markets)	
)	
Definition of Radio Markets)	MM Docket No. 00-244
)	
Ways to Further Section 257 Mandate and To)	MB Docket No. 04-228
Build on Earlier Studies)	

To: The Secretary

REPLY COMMENTS

Entravision Holdings, LLC (“Entravision”), the licensee of full-service Spanish-language television and radio stations, by its attorneys, hereby submits these Reply Comments to the Commission’s *Second Further Notice of Proposed Rulemaking*,¹ in

¹ See *2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, et al, *Second Further Notice of Proposed Rulemaking*, MB Docket No. 06-121, et al, FCC 07-136, released Aug. 1, 2007 (“*NPRM*”).

which the Commission solicited comment on numerous proposals put forward by the Minority Media and Telecommunications Council and its co-parties (collectively, "MMTC") aimed at increasing minority ownership of broadcast media outlets. With respect thereto, Entravision states as follows.

In response to the *NPRM*, a number of parties working together under the name Diversity and Competition Supporters ("DCS"), and under the leadership of MMTC, submitted Initial Comments ("DCS Comments") in which DCS discusses in detail 38 proposals to increase minority ownership in the broadcast industry. Thirty-two of these proposals were set forth in Appendix A to the *NPRM*, and DCS included six new proposals in its Comments.²

Like DCS, Entravision believes that minority ownership is an issue of the utmost importance meriting the Commission's immediate attention. Providing greater opportunities for minority ownership in the broadcast industry would lead to greater minority representation in the media and contribute to a meaningful diversity of voices in the media marketplace. DCS has devoted great time and attention to detailing its proposals in the DCS Comments, and Entravision encourages the Commission to do the same in considering these proposals.

For its part, Entravision will limit its Reply Comments to those proposals that most closely affect Spanish-language broadcasters. Specifically, Entravision supports the following proposals, as listed and discussed in the DCS Comments:

- Proposal #1: Equal Transactional Opportunity: Barring Discrimination On The Basis Of Race Or Gender In Broadcast Transactions;

² See *NPRM* at Appendix A. DCS's Proposals 1-34 track the proposals put forward in the *NPRM* (excluding Proposals 11 and 27, which DCS does not support), while Proposals 35-40 include DCS's new proposals. See also DCS Comments at 1, n. 5.

- Proposal #4: Tolling Buildout Deadlines For Selling Expiring Construction Permits To SDBs;
- Proposal #12: Opening FM Spectrum For New Entrants;
- Proposal #24: Advocacy Of Tax Deferral Legislation Designed, To The Extent Possible, To Foster Minority Ownership;
- Proposal #25: Examination Of How To Promote Minority Ownership As An Integral Part Of All FCC General Media Rulemaking Proceedings;
- Proposal #26: Ongoing Longitudinal Research On Minority And Women Ownership Trends; and
- Proposal #36: Use Of The Share-Time Rule To Foster Ownership Of DTV And FM Subchannels.

Entravision briefly discusses these proposals below.

Entravision supports Proposal #1, "Equal Transactional Opportunity: Barring Discrimination On The Basis Of Race Or Gender In Broadcast Transactions." A broadcast transaction nondiscrimination rule based on a certification requirement, as envisioned by CDS, could deter the most invidious forms of discrimination without entangling the Commission in difficult factual and legal inquiries. Equally important, such a rule would send a clear message – to current station owners, prospective owners and the public at large – that the Commission expects the broadcast industry stakeholders to conduct themselves in non-discriminatory fashion.

As set forth in Entravision's Comments in the instant proceeding, Proposal #4 stems from a proposed revision of the construction permit tolling provisions in Section 73.3568 of the Commission's Rules, originally submitted by Entravision in 1998 in a petition for

rulemaking.³ Entravision originally proposed revising the Rules to allow permittees with expiring construction permits to sell them to minority-owned entities (entities in which minorities own at least 20% of the equity), or to entities which commit 80 percent of their operating time to the programming needs of minority or foreign language groups. The proposal put forth by MMTC in the *NPRM* differs from Entravision's only insofar as MMTC would allow the sale of expiring construction permits to all "socially and economically disadvantaged businesses" ("SDBs").

How to define a SDB is itself one of the issues on which the Commission seeks comment in the *NPRM*. Without weighing in on the definition of SDBs at this time, Entravision wishes simply to express its continued support for the revision of Section 73.3598's tolling provisions to permit the sale of expiring construction permits to minority-owned entities or entities providing programming to minority or foreign-language audiences. Entravision believes permitting such sales constitutes an effective means of promoting minority ownership in broadcasting.

With respect to Proposal #12, "Opening FM Spectrum For New Entrants," Entravision supports DCS's recommendation that the Commission relax its Rules regarding contingent applications, third adjacent contours, community of license and transmitter sites in the FM context. Relaxing these Rules would afford minority broadcasters the opportunity to better serve their target audiences in the urban areas in which many minorities live.

Entravision also supports Proposal #24, "Advocacy Of Tax Deferral Legislation Designed, To The Extent Possible, To Foster Minority Ownership." The effectiveness of

³ See Petition for Rulemaking, filed by Entravision Holdings LLC, RM-9567 (filed March 10, 1998).

tax deferral programs, such as the Tax Certificate Policy repealed by Congress in 1995, is a matter of Commission record, and Entravision urges the Commission to continue to express to Congress its views on the need to reinstate the Tax Certificate Policy or a similar program.

Entravision believes Proposal 25, "Examination Of How To Promote Minority Ownership As An Integral Part Of All FCC General Media Rulemaking Proceedings" and Proposal 26, "Ongoing Longitudinal Research On Minority And Women Ownership Trends," are important proposals insofar as they would both foster heightened awareness of minority ownership issues and directly integrate such issues into appropriate Commission matters. Raising the profile of minority ownership issues before the Commission and increasing the Commission's knowledge base with respect to such issues would certainly help foster greater opportunities for minorities in the broadcast industry.

Entravision also supports DCS's Proposal #36, "Use Of The Share-Time Rule To Foster Ownership Of DTV And FM Subchannels." Entravision agrees with DCS that the DTV and FM streams available via digital broadcasting represent new, potential growth areas for minority broadcasting, and Entravision encourages the Commission to explore such possibilities.

Entravision strongly supports the minority-ownership proposals discussed above,
and encourages the Commission to give those proposals its full consideration.

Respectfully submitted,

**ENTRAVISION HOLDINGS,
LLC**

By: 

Barry A. Friedman
Thompson Hine LLP
1920 N. Street, N.W.
Washington, D.C. 20036
(202) 331-8800
Its Attorney

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