

November 20, 2007

Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Commissioners Copps and Adelstein:

We write to voice our serious concerns about a recent FCC plan to use a dusty legal statute from the 1984 Cable Act in order to increase the Commission's regulatory powers. We are particularly concerned that some FCC leaders will use these exceptional powers to bypass Congressional authority and pass several policies that would cripple media diversity and hurt minority TV programmers.

According to various news reports, nearly all the telecommunications experts and analysts seem to be confused as to how the FCC will justify invoking the so-called "70/70" rule, considering that every available estimate shows that the cable industry could not conceivably claim 70% of all video subscribers. Yet, the question of whether or not the FCC can credibly invoke this decades-old rule is not nearly as controversial as what policies the FCC might pass with the broader 70/70 powers.

FCC Chairman Kevin Martin is pressing for a slew of new regulations that would severely hamper opportunities for minority media ownership. First and foremost, the Chairman has endlessly campaigned for a la carte cable regulations, which would force per-channel charges on cable networks, destroying the economies of scale that support many smaller channels. Half a dozen studies have shown that a la carte regulations would likely kill off most minority-owned networks. Moreover, a set of regulations proposed by the chairman that would allow special interests a free ride on cable TV – such as multicast must-carry and leased access rules – could force many minority-owned networks off coveted channel space on cable TV.

Taken together, many civil rights leaders have decried these policies as part of an "anti-diversity" agenda at the Commission. However, in a move that we perceive as adding insult to injury, some at the FCC have proposed a sort of pity handout to soften the blow of these policies: allowing minority programmers to rent channel space from wealthy, mostly non-minority broadcasters. We stand with Commissioner Adelstein in his characterization of this proposal as "media sharecropping."

FCC Chairman Martin has been unsuccessful in garnering even minimal support for these discredited policies. However, it is deeply troubling to think that the FCC might attempt to force this anti-diversity agenda over the heads of our elected representatives in Congress by misappropriating a rusty legal statute written more than twenty years ago.

We urge you to oppose this unprecedented bureaucratic overreach and to oppose policies that would undermine media diversity. We appreciate your leadership on these critical issues.

Sincerely,

/s/ Reverend B.J. Choice  
Little Zion Baptist Church  
Hobbs, NM

/s/ Reverend Willie Russell, Sr.  
Grace Temple Baptist Church  
Albuquerque, NM

/s/ Jim Speights, Chaplain  
Trinity College  
Washington, DC

/s/ Reverend R.V. Smith  
Macedonia Baptist Church  
Albuquerque, NM

/s/ Reverend Luke Torrain  
First Mt. Zion Baptist Church  
Dumfries, VA

/s/ Reverend David Tucker  
Beech Creek Baptist Church  
Nashville, TN