

Minority Media & Telecommunications Council

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August 7, 2008

Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Ms. Dortch:

RE: Notice of *Ex Parte* Communication:

- MB Docket Nos. 06-121 and 07-294 (Media Ownership; Minority Ownership): Must-Carry for Certain Class A LPTVs; Proposed Class S Stations
- EB Docket No. 04-296 (Multilingual Emergency Broadcasting): Failure of Collaborative Market Test

This reports on a meeting held August 5, 2008 with Rudy Brioché, Esq., Legal Advisor to Commissioner Adelstein. Those participating were Joseph S. Miller, Esq., Earle K. Moore Fellow, MMTTC; Joycelyn Tate, Esq., Associate Broker, MMTTC; Margaret Lancaster, Esq., Associate, Skadden, Arps, Slate, Meagher & Flom; James L. Winston, Esq., Executive Director, National Association of Black Owned Broadcasters; and myself. We discussed the following issues arising in pending permit-but-disclose proceedings. Discussion of a non-docketed matter (PPM) is addressed in a letter filed in the above dockets this date referencing a meeting, also August 5, 2008, with Chairman Martin.

Must-Carry for Certain Class A LPTVs

MMTC supports must-carry for hyper-local and multilingual Class A LPTVs. Lack of access to capital remains a pervasive stumbling block for minority media owners. Must-carry significantly increases an LPTV station's asset value as it grants LPTV stations access to a main entry point to cable—IPTV and satellite boxes—thereby making these stations more attractive to investors. Minorities own some 15% of Class A Low Power Television (LPTV) stations—a rate that is five times as high as minority ownership of full power television stations. Thus, must-carry for some Class A LPTVs would significantly promote media ownership diversity.

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Proposed Class S Stations

MMTC supports Media Access Project's proposal to create a new class of stations—Class S stations—that would broadcast on DTV sub-channels using the share-time rule.

Failure of Collaborative EAS Market Test

A summer 2008 20-market test of a multilingual emergency broadcasting system was to have been undertaken by MMTC, the Spanish Radio Association (“SRA”), the Office of Communication of the United Church of Christ, Inc. (“UCC”), the NAB and the Florida Association of Broadcasters (“FAB”). The test was premised on the designation of “designated hitter” stations that would agree in advance to be responsible for transmitting messages in widely spoken languages other than English in the event of an emergency and, especially, if the only station providing full market service in a widely spoken language other than English is taken off the air during the emergency. The test has failed, unfortunately, due to the unwillingness of rank and file broadcasters to volunteer to be designated hitters. MMTC does not hold the NAB or the FAB responsible for the failure of the test. Nonetheless, self-regulation has not succeeded. Therefore, MMTC, the SRA and the UCC will shortly file a request that the Commission implement regulations to effectuate multilingual emergency broadcasts.

Respectfully submitted,

David Honig

David Honig
Executive Director

Courtesy Copy to: John Griffith Johnson, Esq. (Counsel for Arbitron)