

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

In the Matter of

Promoting Diversification of Ownership In the Broadcast Service	)	MB Docket No. 07-294
	)	
	)	
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	)	MB Docket No. 06-121
	)	
	)	
2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)	MB Docket No. 02-277
	)	
	)	
Cross-Ownership of Broadcast Stations and Newspapers	)	MM Docket No. 01-235
	)	
	)	
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets	)	MM Docket No. 01-317
	)	
	)	
Definition of Radio Markets	)	MM Docket No. 00-244
	)	
	)	
Ways to Further Section 257 Mandate and To Build on Earlier Studies	)	MB Docket No. 04-228
	)	

To: The Secretary

**REPLY COMMENTS**

Entravision Holdings, LLC (“Entravision”), the licensee of full-service Spanish-language television and radio stations, by its attorneys and in response to the

Commission's *Third Further Notice of Proposed Rulemaking*,<sup>1</sup> hereby submits these Reply Comments in the above-referenced proceeding in which the Commission has requested comment on numerous proposals put forward by the Diversity and Competition Supporters ("DCS") aimed at increasing minority ownership of broadcast media outlets. Entravision supports the following proposals discussed in the *Third NPRM*: (1) exploring possible applications of the "full file review" concept in the broadcast context; (2) improving the Commission's data collection efforts via FCC Form 323; (3) applying the share-time rule to FM HD service and DTV service; and (4) granting structural rule waivers for creating incubator programs. With respect thereto, Entravision states as follows.

First, Entravision believes that the concept of "full file review," derived from the admissions process in the context of higher education,<sup>2</sup> may have some useful applications in the broadcast context, especially in light of the many difficulties the Commission faces in adopting a race-conscious definition of socially and economically disadvantaged businesses.<sup>3</sup> Promoting a diversity of media voices is fundamental to the Commission's public interest mission, just as a diverse student body is central to the

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<sup>1</sup> See *Promoting Diversification of Ownership in the Broadcasting Services*, et al, Second Further Notice of Proposed Rulemaking, MB Docket No. 07-294, et al, 23 FCC Rcd 5922 ("*NPRM*").

<sup>2</sup> See *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, \_\_\_ U.S. \_\_\_, 127 S.Ct. 2738 (2007).

<sup>3</sup> As recognized by DCS as well as the Commission, efforts to incorporate race into the definition of a "socially and economically disadvantaged business" ("SDBs") are constrained by the Supreme Court's application of strict scrutiny to race-based classifications. See *Adarand v. Peña*, 515 U.S. 200 (1995). As DCS notes, if the Commission wishes to adopt a race-conscious definition capable of surviving strict scrutiny, the Commission must first consider race-neutral remedies and develop a record that provides empirical evidence of the need for a race-conscious definition. See DCS Comments at 8.

purposes of higher education. In theory, then, full file review could be a natural fit for the broadcast industry. In practice, however, full file review would need to be very carefully tailored broadcast context. Entravision agrees with both DCS and the National Association of Broadcasters ("NAB") that clear, objective standards and a transparent selection process would be absolutely critical in a full file review program.<sup>4</sup> And Entravision further agrees with NAB that any full file review program must reconcile commendable efforts to account for and redress past social and economic disadvantage with the hard realities of succeeding in competitive broadcast markets.<sup>5</sup>

Entravision continues to support efforts to improve the Commission's collection, retention and analysis of minority ownership data.<sup>6</sup> With respect to the Commission's specific proposals regarding modifications to FCC Form 323, Entravision urges the Commission simply to add specific minority-directed questions to Form 323 rather than adopting a new form altogether. Entravision believes adoption of a new form would appear burdensome and would therefore prove counterproductive. Expanding Form 323 as appropriate for relevant applicants would be a more effective means of collecting the data the Commission seeks.

Entravision also continues to support application of the share-time rule to FM HD radio service and DTV service.<sup>7</sup> Entravision agrees with DCS that the DTV and FM program streams available via digital broadcasting represent new, potential growth areas

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<sup>4</sup> See DCS Comments at 11; NAB Comments at 4.

<sup>5</sup> See NAB Comments at 4.

<sup>6</sup> See Entravision's Reply Comments in MM Docket No 06-121 (filed Nov. 1, 2007) at 5.

<sup>7</sup> See *id.*.

for minority broadcasting, and Entravision encourages the Commission to explore such possibilities.

Finally, Entravision supports DCS's proposal concerning structural rule waivers for creating incubator programs. In addition to programs contemplated by the Commission as early as 1992, including management and technical assistance, loan guarantees, and training and planning assistance, Entravision supports DCS's proposal to expand the program to include the creation of business planning centers at Historically Black Colleges and Universities or Hispanic Serving Institutions.<sup>8</sup> However, Entravision does not believe that the incubator program need be limited to large radio markets, as the benefits of such a program readily apply across services and markets.

In conclusion, Entravision supports exploration of full file review in broadcast proceedings, and urges the Commission to carefully navigate legal restrictions on race-conscious government action while balancing the goals of the program with economic conditions in the broadcast industry. Entravision similarly supports limited modifications to Form 323, application of the share-time rule to FM HD radio service and DTV service as well as the grant of structural waivers for creating incubator programs.

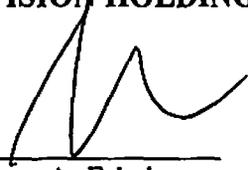
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<sup>8</sup> See DCS Comments at 20.

Respectfully submitted,

**ENTRAVISION HOLDINGS,  
LLC**

By: \_\_\_\_\_



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