

Minority Media & Telecommunications Council

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January 29, 2009

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 No. 07-294 (Media Ownership Diversity);
MM Docket No. 98-204 (Media EEO); MB Docket No. 08-187 (Portable People Meter)

This reports on a January 27, 2009 meeting with FCC Acting Chairman Michael Copps and Acting Chief of Staff, Rick Chessen. Participating in the meeting were Toni Cook Bush, Esq., counsel for the PPM Coalition, Andrew Schwartzman, Esq., President of the Media Access Project, Henry Rivera, Esq., Chair of MMTC, and myself. Francisco Montero, Counsel for the Spanish Broadcasters Association, and James Winston, Executive Director of the National Association of Black Owned Broadcasters, participated by telephone.

Media Ownership Diversity. We encouraged the Commission to begin enforcing the advertising nondiscrimination rule by designating a compliance officer; to restart the process of defining a socially and economically disadvantaged business (SDB) by engaging staff and commissioning research studies to justify a race-conscious approach under strict scrutiny; to implement a system of Full File Review while considering how to construct an SDB definition. Further, we encouraged the Commission to begin placing DTV transition advertising on minority broadcast stations, as that step would help cure minorities' high rate of DTV transition unpreparedness while setting a good example for the industry in the nondiscriminatory spending of advertising budgets.

Media EEO. We advocated the reinstatement of FCC Form 395 to track minority and women employment at FCC licensees, and to provide the data necessary to discern whether licensees have engaged in the inherently discriminatory practice of excessive use of word-of-mouth recruitment from a homogeneous workplace. We contended that the current audit-based system of enforcement is a failure that has resulted in a purge of minority employment in radio journalism.

PPM Methodology. While we believe that a system of electronic measurement is necessary, we urged the Commission to promptly initiate a Section 403 fact-finding inquiry into PPM methodology and sampling procedures in light of the continuing and grave financial harm being visited on minority broadcasters as a result of this flawed methodology.

Respectfully submitted,

David Honig

David Honig
Executive Director