



April 1, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: MB Docket No. 07-294

Dear Ms. Dortch:

On March 31, 2009, the undersigned met with Acting Chairman Michael J. Copps, Rick Chessen, Chief of Staff and Jamila Bess Johnson, Media Bureau to discuss proposals in the above-referenced docket to advance broadcast diversity. In particular, all of the meeting participants applauded the Commission's plans to move quickly toward gathering better data concerning the current state of minority and female ownership. Ms. Dozier reiterated that the National Association of Broadcasters (NAB) has long supported legislative, regulatory and private sector initiatives that promote new entry into the broadcast industry and enhance broadcast ownership diversity.

Mr. Honig urged the Commission to continue its current emphasis on minority and female ownership by prioritizing certain proposals advocated by the Minority Media and Telecommunications Council (MMTC) in the above-referenced proceeding. Mr. Honig proposed that the following issues be considered in the near term:

- (i) develop an improved definition of eligible entities, and using full-file review on an interim basis pending the development of such a definition;¹
- (ii) permit the continued operation of AM expanded band stations if one of the stations is sold to an eligible entity;² and

¹ See Comments of the Diversity and Competition Supporters at 5-12 (filed Jul. 30, 2008).

² See Comments of the Diversity and Competition Supporters at 16-17 (filed Jul. 30, 2008).

- (iii) examine major rule making proceedings and merger reviews to evaluate their impact on minority and female ownership.³

During this discussion, Ms. Dozier noted that NAB does not object to the use of a “full file review” process, and has stated in comments that “[i]f done properly, such a process could strike an appropriate balance between the need for more diversity in broadcasting and the Constitutional restrictions against race and gender based classifications.”⁴ Ms. Trigg discussed the value of developing a new definition of eligible entities and the importance of ensuring that any standard developed by the Commission to promote race and gender diversity in any industry is legally sustainable. Ms. Trigg stated that examination of the impact of a rule or merger on minority and female ownership could be done in a manner analogous to, or as part of, the Commission’s analysis of the significant economic impact of its rules on small entities pursuant to the Regulatory Flexibility Act, as amended. She stated that such examination would help effectuate the Commission’s statutory obligations to promote diversity and eliminate market entry barriers under Sections 1 and 257 of the Communications Act of 1934, as amended.⁵

Mr. Honig, Mr. Lipp, and Mr. Jazzo discussed plans for future MMTC filings. They noted that, because many minority-owned stations are licensed to communities distant from their potential audiences in urban areas, it is important to preserve—and expand, under certain circumstances—the ability of these licensees and new entrants to move closer to their intended audiences. Mr. Jazzo noted that such station improvements can promote efficient use of spectrum and provide opportunities for other new entrants who wish to serve the rural communities. Mr. Lipp asserted that stations’ ability to improve their audience reach and facilities will be critical to their survival during economically challenging times and that the Commission should not place barriers in the way. Mr. Honig stated that MMTC plans to advance specific proposed rule revisions concerning this issue in the future.

Please direct questions concerning this matter to the undersigned.

³ See Comments of the Diversity and Competition Supporters at 27-29 (filed Jul. 30, 2008).

⁴ NAB Comments in MB Docket No. 07-294 at 3-4 (filed Jul. 30, 2008) (further noting that a full file review process should avoid any conditions relating to the provision of a specific type of programming content by prospective broadcast owner in order to avoid First Amendment issues).

⁵ See 47 U.S.C. § 151 (the Commission was established to regulate communications “so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges.”); 47 U.S.C. § 257 (requiring the Commission to eliminate market entry barriers for entrepreneurs and other small businesses).

Respectfully submitted,

/s/
Maurita K. Coley, MMTC Board of
Directors and Partner, Davis Wright
Tremaine LLP

/s/
Erin L. Dozier, MMTC Board of Advisors
and Associate General Counsel, NAB

/s/
David Honig, Executive Director, MMTC

/s/
Frank Jazzo, MMTC Working Group and
Member, Fletcher, Heald & Hildreth,
PLC

/s/
Mark N. Lipp, MMTC Policy Committee
and Partner, Wiley Rein LLP

/s/
S. Jenell Trigg, MMTC Board of
Directors and Member, Lerman Senter
PLLC

cc: Acting Chairman Michael J. Copps
Rick Chessen, Chief of Staff
Jamila Bess Johnson, Media Bureau