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July 15, 2007

Hon. Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

David Honig, Executive Director
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Dear Chairman Martin:

RE: Nondiscrimination in Advertising Sales Contracts, MB Docket No. 07-294

MMTC respectfully requests that the Commission designate a senior official to act as the agency's Compliance Officer for the Broadcast Advertising Nondiscrimination Rule the Commission adopted in its Broadcast Diversity R&O and Third FNPRM, 23 FCC Rcd 5922, 5941-42 ¶¶49-50 (2008).

The Rule takes effect today. It is the first new federal nondiscrimination mandate on any subject in 31 years and the first one ever adopted without opposition.

Full compliance with the Rule would profoundly advance the Commission's goal of improving minority broadcasters' access to capital. If it is enforced, the Rule will spell the end of "no-urban" and "no-Spanish" dictates (NUDs and NSDs) by which some advertisers refuse to consider buying time on stations because the stations serve African American and Hispanic audiences. MMTC estimates that minority broadcasters lose at least \$200 million per year because of this practice, and that universal compliance with the Rule would produce a 5-10% increase in revenue for minority broadcasters.

Public awareness of the Rule is critical to effective compliance and enforcement. An Advertising Nondiscrimination Compliance Officer would be responsible for alerting broadcasters to their obligation to place nondiscrimination clauses in their advertising sales contracts, and their duty to observe and insist on performance of these clauses just as they would with any other material term of an advertising contract.

Designating a senior official as the Commission's Advertising Nondiscrimination Compliance Officer would significantly advance the Commission's determined efforts to eliminate all forms of racial discrimination in broadcasting.

Sincerely,

David Honig
Executive Director