

**MMTC Executive Committee Meeting with Sherrese Smith, Legal Advisor to the Chairman for Media, Consumer and Enforcement Issues**

**October 7, 2009, 10:00 – 10:30 AM**

**Henry Rivera, Chair  
Erwin Krasnow, Vice Chair  
Maurita Coley, Vice Chair  
David Honig, President and Executive Director  
Joycelyn James, Fellow**

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I. Ownership Diversity

- A. Expand Entrepreneurs' Access to Capital and Ownership Opportunities
1. Designate a Section 403 hearing on PPM audience ratings.
  2. Authorize, within limits, share-time ownership for HD and DTV sub-channels.
  3. Authorize must-carry for hyper-local and multilingual Class A LPTVs.
  4. Complete the broadcast diversity proceeding by considering the thirteen outstanding proposals, including structural rule waivers for incubator programs, AM expanded band relief, and relaxation of restrictions on foreign investments in broadcast stations, plus two issues on reconsideration (eligible entity definition, foreign ownership).
  5. Include ownership diversity issues and the associated docket (MB 07-294) in the 2010 Quadrennial Review, including staff workshops and hearings.
- B. Expand Minority Radio Entrepreneurs' Access to Spectrum
1. Create a federal advisory committee to plan the migration of AM stations, and their conversion into FM stations, on the spectrum now occupied by TV Channels 5-6.
  2. Act expeditiously to issue an NPRM in response to the MMTC Radio Rescue Petition (RM No. 11565) after comments are filed.

II. Eligible Entities

- A. Reinitiate and update the 2000 Adarand studies in order to produce a constitutionally sustainable SDB definition.
- B. Adopt a system of Full File Review (FFR) until the Adarand studies are updated.

- C. Declare Tribal Entities to be eligible entities because they are a political rather than a racial classification.

III. Civil Rights Enforcement: The Commission should act quickly to restore industry compliance with civil rights mandates and remedy the effects of years of Commission abdication of its civil rights enforcement responsibilities.

A. EEO

1. Replace the failed audit system with meaningful EEO enforcement applicable to every regulatee and every renewal, assignment and transfer application.
2. Consider whether there is excessive word-of-mouth recruitment from homogeneous workplaces.
3. Adopt the Diversity Committee's 2004 recommendation for a greater focus on mentoring, advancement and retention.
4. Provide full funding and adequate staffing for EEO enforcement.

B. Advertising Nondiscrimination: Designate a Compliance Officer immediately to enforce the Advertising Nondiscrimination Rule.

C. Language Barriers to Public Safety: Conclude four-year old multilingual EAS proceeding by requiring "designated hitters" to fill in for in-language stations in providing emergency multilingual services in emergencies.

D. Civil Rights in the Organizational Chart

1. Place EEO and other civil rights enforcement functions in the Enforcement Bureau and codify these offices in Part 0 of the Rules.
2. Applying platform neutrality, consider whether the EEO Rule, Advertising Nondiscrimination Rule and Transactional Nondiscrimination Rule should apply all FCC-regulated industries.

E. Radio Pirates: Streamline enforcement to protect legitimate broadcasters in urban communities.

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