

Minority Media and Telecommunications Council

3636 16th Street N.W., Suite B-366
Washington, D.C. 20010
Phone: 202-332-0500 Fax: 202-332-0503
www.mmtconline.org

January 30, 2010

Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

RE: Notice of *Ex Parte* Communication, GN Docket Nos. 09-137 (Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as amended by the Broadband Data Improvement Act), 09-51 (A National Broadband Plan For Our Future), 09-47 (International Comparison and Survey Requirements in the Broadband Data Improvement Act), 09-191 (Preserving the Open Internet), WC Docket No. 07-52 (Broadband Industry Practices)

Dear Ms. Dortch:

This reports on meetings held January 27, 2010, with: (1) Commissioner Mignon Clyburn and Rick Kaplan, Acting Chief of Staff for Commissioner Clyburn and (2) Commissioner Meredith Attwell Baker, Bradley Gillen, Legal Advisor, and Christi Shewman, Legal Advisor. Representing or joining MMTC at the Commissioner Clyburn meeting were David Honig, President and Executive Director, Maurita Coley, Vice Chair and Director, and Jacqueline Clary, John W. Jones Fellow. Others attending were Michael Roberts, Chairman and Chief Executive Officer, Roberts Broadcasting Companies, Eric Garvanne, FTK5, Candida Mobley, President and Chief Executive Officer, Voices, Inc., Brigitte Daniel, Esq., Wilco Electronic Systems, Inc., Marnechia Alexander, and Sharif Street, Esq. Representing MMTC at the Commissioner Baker meeting were David Honig and Jacqueline Clary.

Attached please find the following documents that were distributed and discussed at the Commissioner Clyburn meeting:

- Art Brodsky, [Commissioner Clyburn Raises the Bar With Net Neutrality Speech](#), Public Knowledge Policy Blog (Jan. 26, 2010)
- David Honig's Blog Response to Art Brodsky's Article [Commissioner Clyburn Raises the Bar With Net Neutrality Speech](#), Public Knowledge Policy Blog (January 27, 2010).

We made these points regarding Network Neutrality:

Marlene Dortch, Esq.

January 30, 2010

Page 2.

- Institutional neglect of minority issues at the Commission and, more recently at the Commerce Department, with the apparent failure to award minority companies any stimulus funds, explain why we are cautious in our approach to net neutrality regulations and how these regulations could be applied to minorities.
- In the National Organizations' Comments, they concede the first and sixth proposed regulations; they are still studying the second, third, and fourth proposed regulations, and they are troubled about aspects of the fifth proposed regulation.
- Our overarching concern is closing the digital divide. Minority businesses cannot aggregate enough business without consumers adopting broadband. The Commission should undertake studies to determine the economic cost of not closing the digital divide, including the cost of second order effects.
- The Commission should conduct an economic analysis and examine the proposed net neutrality regulations for their potential impact on deployment. With respect to carriers investing in deployment, if they have more money in their portfolios, the more likely they are to disburse deployment in a variety of investment risk levels to build out and improve broadband. If it is true that the regulations would make it more difficult for carriers to raise money and build out, then we need to examine the indirect effects such as increasing prices for consumers and decreasing adoption.
- The Commission should bear in mind the natural business alignments for small and minority businesses. ISPs have incentives to maximize customers, whereas small businesses are in competition with the major content and application providers.
- The Commission should design network management rules to allow carriers flexibility so that they can partner with and incentivize entry by SDBs and MBEs.
- Ideally, full transparency combined with consumer literacy and competition could render most other net neutrality regulations unnecessary; however, consumer literacy is the weak link. MMTC has proposed to add digital literacy to the K-12 curriculum to help solve the digital literacy problem.¹
- The Commission should brief the Commerce Department on the issues of access to capital for minority businesses and how the lack of stimulus funding for minority businesses impacts the Commission's ability to do its job in promoting diversity in telecommunications.

Respectfully submitted,

David Honig

David Honig

President and Executive Director

Attachments

¹ See MMTC, "Road Map for Telecommunications Policy" (July 21, 2008) at 10-11, available at <http://mmtconline.org/lp-pdf/MMTC-Road-Map-for-TCM-Policy.pdf> (last visited Jan. 27, 2010).