

Minority Media and Telecommunications Council

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October 14, 2011

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

RE: Notice of *Ex Parte* Communication, MB Docket No. 09-182 (2010 Quadrennial Review)
and MB Docket No. 07-294 (Diversity Proceeding)

Dear Ms. Dortch:

This reports on a phone call on October 13, 2011 with Commissioner Copps and myself.

During the call I elaborated upon our September 28, 2011 discussion of the incubator proposal.¹ When implementing the proposal to allow structural rule waivers for companies that incubate SDBs, the Commission's purpose would be to create new voices in the same or a larger market in exchange for rule waivers. However, no waivers should be given in dangerously consolidated markets (e.g. Lakeland, FL, where there are only two operators and one of them dominates).

Until 2003, the Commission used an HHI "screen" and flagged applications, but the procedure didn't work because applications were held up for a year or more, imposing a barrier to access to capital for minorities and new entrants. Thus MMTC isn't proposing a return to screening or flagging. Instead, the Commission should ask the Department of Justice, which has the primary expertise on local market concentration issues, to review potential waivers on a highly expedited basis and advise the FCC if it would have any concerns with particular applications or potential applications. In an NPRM, the Commission could address how such a rapid response procedure could be implemented.

Respectfully submitted,

David Honig

David Honig
President and Executive Director

¹ See MMTC Ex Parte Letter re: MB Docket No. 07-294 et al. (Sept. 28, 2011), available at <http://fjallfoss.fcc.gov/ecfs/document/view?id=7021711655> (last visited Oct. 13, 2011).