

# Minority Media and Telecommunications Council

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October 28, 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. 07-294 (Diversity Proceeding), ET Docket No. 10-235 (Innovation in Broadcast Television Bands Proceeding), MM Docket 98-204 (Equal Employment Opportunity), and GN Docket 10-244 (Preference for Overcoming Disadvantages)

Dear Ms. Dortch:

This reports on a meeting held on October 27, 2011. Staff from the Commission included Commission Mignon Clyburn, Dave Grimaldi, Chief of Staff to Commissioner Clyburn, and Louis Peraertz, Legal Advisor. Representing MMTC at the meeting were Julia Johnson, Director and Treasurer, and myself.

During the meeting we stated that putting the Minority Ownership Incubation Proposal out for comment in a FNPRM would be responsive to Prometheus Radio Project v. FCC (3d Cir., July 7, 2011), in which the Court vacated several FCC decisions and retained jurisdiction. The incubator proposal is ripe for consideration, having been through six dockets in 21 years with no objections, and it would have a very substantial positive impact on diversity and on the entry of new voices into broadcasting. The proposal is win-win, being deregulatory while also promoting diversity.

The Commission should give the court more than what it has requested as a baseline. To further respond to the court's concerns, the FCC should seek comment on the Diversity Committee's race neutral proposal on the Overcoming Disadvantages Preference paradigm.<sup>1</sup>

Respectfully submitted,

*David Honig*

David Honig  
President and Executive Director

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<sup>1</sup> See Advisory Committee on Diversity for Communications in the Digital Age, Recommendation on Preference for Overcoming Disadvantage (October 14, 2010), available at <http://transition.fcc.gov/DiversityFAC/recommendations.html> (follow link to "Recommendation on Preference for Overcoming Disadvantage") (last visited September 9, 2011).