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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12 St. SW
Washington, DC 20554

RE: Notice of Ex Parte Communication in *Innovation in the Broadcast Television Bands*,
ET Docket No. 10-235, *2010 Quadrennial Review*, MB Docket Nos. 09-182 and 07-294

Dear Ms. Dortch,

Today I spoke with by telephone with Louis Peraetz, Legal Advisor to Commissioner Mignon Clyburn, to follow up on comments I filed on behalf of Media Alliance, National Organization for Women Foundation, Benton Foundation, National Hispanic Media Coalition, and Campaign Legal Center in *Innovation in the Broadcast Television Bands* proceedings. In those comments, we urged the FCC to address ways that spectrum repurposing and channel sharing could increase rather than induce reduce opportunities for minorities and women to operate broadcast stations. In particular, we noted that if channel sharing is technically feasible, the Commission should not limit channel sharing to existing television licensees, but should allow new entrants to share spectrum with incumbent broadcasters as proposed by the FCC's Advisory Committee on Diversity for Communications in the Digital Age in 2008, a proposal known as the "S Class" proposal.

I told Mr. Peraetz that the research we conducted and presented to the Commission in the *2010 Quadrennial Review* documented the pressing need for increasing minority ownership. By combining data supplied by the Media Bureau with census and other data, we determined that the percentage of minority-owned full power television stations was far below the percentage of each group in the population and that many states and cities with large minority populations have no minority-owned stations. Minority-controlled stations tend to be located either in small

markets or on the fringes of larger markets, and only a handful are affiliated with a major network. As a result, these stations would be vulnerable to takeovers if the Commission were to relax its ownership rules.

The Reply Comments also argued that recent passage of the Spectrum Act provided another reason for not relaxing existing ownership limits. As the Commission told the Supreme Court, the Spectrum Act has the potential to alter the television marketplace in significant ways. Allowing broadcast television stations to return spectrum for a share in the auction proceeds and/or to share spectrum is likely to result in less spectrum being available for broadcasting and thus greater consolidation. Having policies in place to ensure opportunities for minorities and women to own broadcast stations is thus more important than ever. I sent a copy of these Reply Comments to Mr. Peraetz by email.

While the Spectrum Bill appears to limit sharing arrangements to “licensees,” that term is defined to include Class A stations as well as full-power commercial stations. The Commission should complete its analysis of Form 323 ownership data to determine the race and gender of Class A licensees. The low power television service was created to provide a way for minorities and women to enter the television business. Spectrum sharing could provide a way for Class A stations to extend their audience reach.

While it is unfortunate the Spectrum Act does not permit non-licensees to share spectrum, nothing in the Spectrum Act would preclude the Commission from still adopting the S Class proposal. This would allow those broadcasters that opt to continue broadcasting to share spectrum with new entrants who meet the criteria as “eligible entities.” As you are aware, the Court in *Prometheus II* has directed the Commission to adopt a definition of “eligible entities” that will promote ownership by minorities and women.

In sum, in adopting the Report and Order regarding *Innovation in the Television Bands*, we urge the Commission to be careful not to exacerbate the existing low levels of minority ownership. We are concerned in particular that because stations owned by minorities and/or women typically operate with less capital and advertising dollars, they would have unequal bargaining power in negotiating spectrum sharing arrangements. The Commission should take this into account in adopting rules regarding spectrum sharing. The Commission should also be innovative and find ways to repurpose, auction and share spectrum that promote opportunities for minorities and women to participate more fully.

Respectfully submitted,

Angela J. Campbell

cc: Louis Peraetz