



**Minority Media &
Telecom Council**

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December 6, 2012

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

Dear Ms. Dortch:

RE: Notice of Ex Parte Communication, MB Docket No. 09-182 (2010 Quadrennial Review), MB Docket No. 07-294 (Promoting Diversification of Ownership In the Broadcasting Services)

This letter reports on a meeting I had on Wednesday, December 5, with Commission staff including: Sean Lev, General Counsel, William Scher, Office of the General Counsel; William Lake, Media Bureau Chief; Martha Heller, Deputy Chief, Industry Analysis Division, Media Bureau and Jamila Bess Johnson, Industry Analysis Division, Media Bureau.

The central topic of our discussion was the Diversity Advisory Committee's Overcoming Disadvantage Preference ("ODP"), a race- and gender neutral proposal for increasing participation of minorities and women.¹ During the meeting, I discussed how the Commission's review of the ODP could help satisfy the court's mandate in Prometheus II that the Commission develop a "long-awaited" and "workable" socially and economically disadvantaged businesses ("SDB") definition.² I walked through how the preference might operate, addressed concerns as

¹ See Media and Wireless Telecommunications Bureaus Seek Comment on Recommendation of the Advisory Committee on Diversity for Communications in the Digital Age for a New Auction Preference for Overcoming Disadvantage, Public Notice, 25 FCC Rcd 16854 (Dec. 27, 2010) ("ODP Notice"). This proposal, unanimously adopted by the Diversity Committee can be found on the its webpage at <http://transition.fcc.gov/DiversityFAC/meeting101410.html> (then follow link to "Recommendation on Preference for Overcoming Disadvantage") (last visited Dec. 5, 2012).

² See Prometheus Radio Project v. FCC, 652 F.3d 431, 466, 471-72 (3d Cir. 2011) ("Prometheus II") (vacating and remanding the previous diversity Order so that the Commission "may justify or modify its approach to advancing broadcast ownership by minorities and women during its 2010 Quadrennial Review").

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to whether the ODP could be regarded as race-conscious as applied, and recommended that, following an FNPRM, ODP be tested by applying it to a substantial new initiative such as NABOB's Incubator Proposal.

Respectfully submitted,

David Honig

David Honig
President