

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
2010 Quadrennial Regulatory Review –)	MB Docket No. 09-182
Review of the Commission’s Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	
)	MB Docket No. 07-294
Promoting Diversification of Ownership)	
In the Broadcasting Services)	

To The Commission

**FURTHER REPLY COMMENTS OF THE
DIVERSITY AND COMPETITION SUPPORTERS**

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January 4, 2013

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The Diversity and Competition Supporters¹ (“DCS”) respectfully submit these reply comments in response to the Commission’s Public Notice requesting comment on its recently released commercial broadcast station ownership report.² As discussed in our December 26, 2012 Further Comments, and in light of data in the Report demonstrating the persistent and acute underrepresentation of minority and female ownership of the nation’s broadcast stations, DCS urges the Commission to consider the adoption of 47 race neutral proposals immediately to promote broadcast diversity. These proposals, which “encompass structural ownership rule reforms, FCC process reforms, and engineering rule revisions,” were described in detail in

¹ The Diversity and Competition Supporters is a coalition of national organizations created in 2002 to advance the cause of minority ownership in MB Docket No. 02-277 and subsequent dockets (see Appendix). This and all DCS pleadings reflect the institutional views of each of the Diversity and Competition Supporters, and are not intended to represent the individual views of each of the Diversity and Competition Supporters’ officers, directors and members.

² See Commission Seeks Comment on Broadcast Ownership Report, Public Notice, 2012 FCC LEXIS 4906 (2012) (rel. Dec. 3, 2012). See also Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Report on Ownership of Commercial Broadcast Stations, 77 Fed. Reg. 73461, 2012 FCC LEXIS 4710 (2012) (“Report”).

Supplemental Comments DCS filed on April 3, 2012.³ Many of the proposals have since been endorsed by numerous industry associations and organizations including the Newspaper Association of America (NAA), the National Association of Broadcasters (NAB), the National Association of Media Brokers (NAMB), Media General, Inc., the Tribune Company, as well as by the 50 national organizations that were signatories to DCS’ 2012 Supplemental Comments.⁴ We provide the Commission with a chart infra, which denotes the proposals that have been endorsed by these organizations in the current media ownership rules review proceeding.

I. ORGANIZATIONS THAT HAVE ENDORSED PROPOSALS MADE BY THE DIVERSITY AND COMPETITION SUPPORTERS

The table below contains the proposals made by DCS, as enumerated in DCS’ 2012 Supplemental Comments and each organization filing comments in support of the proposals. Should additional endorsements be contained in the reply comments due today, DCS will file a supplement to this table.

Proposal Number	Name of Proposal	Endorsing Organization
1	Minority Ownership Incubation	Tribune Company, ⁵ NAA, ⁶ NAB, ⁷ NAMB ⁸

³ See Supplemental Comments of the Diversity and Competition Supporters in Response to The Notice of Proposed Rulemaking, 2010 Quadrennial Regulatory Review - Review Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 09-182 et. al. (April 3, 2012), available at <http://mmtconline.org/wp-content/uploads/2012/04/Supplemental-Media-Ownership-Comments-040312.pdf> (last visited Dec. 19, 2012) (“DCS 2012 Supplemental Comments”).

⁴ See DCS 2012 Supplemental Comments at p. 94 (the Appendix comprises over 50 DCS member signatories who endorsed this Comment).

⁵ See Reply Comments of Tribune Company, Debtor-In-Possession on Notice of Proposed Rulemaking, 2010 Quadrennial Regulatory Review - Review Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 09-182 et. al. (April 17, 2012) at p. 42, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017030721> (last visited Dec. 30, 2012) (“Tribune Company Comments”).

⁶ See Supplemental Comments of The Newspaper Association of America, 2010 Quadrennial Regulatory Review - Review Commission’s Broadcast Ownership Rules and Other Rules

Proposal Number	Name of Proposal	Endorsing Organization
2	Relax Broadcast Foreign Ownership Restrictions	Tribune Company, ⁹ NAMB ¹⁰
3	Reinstate and Expand Tax Certificate Policy	Tribune Company, ¹¹ NAB, ¹² Media General, Inc., ¹³ NAMB ¹⁴
7	Create a Media and Telecom Public Engineer Position to Assist Small Businesses and Nonprofits with Routine Engineering Matters	NAB ¹⁵

Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 09-182 *et. al.* (Dec. 26, 2012) at p.10, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017155101> (last visited Dec. 30, 2012) (“NAA Comments”).

⁷ See Reply Comments of the National Association of Broadcasters, 2010 Quadrennial Regulatory Review - Review Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 09-182 *et. al.* (April 17, 2012) at p. 32, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017030621> (last visited Dec. 30, 2012) (“NAB Reply Comments”).

⁸ See Comments of the National Association of Media Brokers, 2010 Quadrennial Regulatory Review - Review Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 09-182 (Dec. 21, 2012) at p. 7, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017154630> (last visited Dec. 30, 2012) (“NAMB Comments”).

⁹ See Tribune Company Comments at p. 41.

¹⁰ See NAMB Comments at p. 7.

¹¹ See Tribune Company Comments at p. 41.

¹² See NAB Reply Comments at p. 32.

¹³ See Comments of Media General, Inc., 2010 Quadrennial Regulatory Review - Review Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 09-182 (Dec. 26, 2012) at pp. 2-3, available at <http://apps.fcc.gov/ecfs/comment/view?id=6017155078> (last visited Dec. 30, 2012) (“Media General Comments”).

¹⁴ See NAMB Comments at p. 7.

¹⁵ See NAB Reply Comments at p. 33, n. 131.

Proposal Number	Name of Proposal	Endorsing Organization
8	Issue A One-Year Waiver, On A Case-By Case Basis, Of Application Fees For Small Businesses And Nonprofits	NAA ¹⁶
9	Grant Eligible Entities a Rebuttable Presumption of Eligibility for Waivers, Reductions, or Deferrals of Commission Fees	Tribune Company ¹⁷
11	Extend Grandfathering for One Year if the Cluster or Noncompliant Station(s) are Sold to a Small Business	Tribune Company (would also support permanent grandfathering) ¹⁸
13	Structural Rule Waivers for Financing Construction of an Unbuilt Station	Tribune Company ¹⁹
14	Use the Share-Time Rule to Allow Broadcasters to Share Frequencies to Foster Ownership of DTV and FM Subchannels	Tribune Company ²⁰
16	Relax the Main Studio Rule	NAA, ²¹ Tribune Company, ²² NAB, ²³
17	Clarify that Eligible Entities can Obtain 18 Months to Construct Major Modifications of Authorized Facilities	Tribune Company ²⁴

¹⁶ See NAA Comments at p. 10.

¹⁷ See Tribune Company Comments at p. 41.

¹⁸ See id. at p. 42.

¹⁹ See id.

²⁰ See id. at p. 43.

²¹ See NAA Comments at p. 10.

²² See id.

²³ See NAB Reply Comments at p. 33, n. 131.

²⁴ See Tribune Company Comments at p. 43.

Proposal Number	Name of Proposal	Endorsing Organization
18	Extend the Three-Year Period for New Station Construction Permits for Eligible Entities and SDBs	Tribune Company ²⁵
20	Authorize Interference Agreements	Tribune Company ²⁶
21	Harmonize Interference Protection Standards; Allow FM Applicants to Specify Class C, C0, C1, C2, and C3 Facilities in Zones I and IA	NAB (“allow FM applicants to specify Class C, C0, C1, C2, and C3 facilities in Zones 1 and 1A”) ²⁷
22	Relax the Limit of Four Contingent Applications	Tribune Company, ²⁸ NAB, ²⁹
23	Request the Removal of AM Nighttime Coverage Rules from Section 73.24(i)	NAB ³⁰
24	Relax Principal Community Coverage Rules for Commercial Stations	Tribune Company, ³¹ NAB, ³²
25	Replace “Minimum Efficiency” Standard for AM Stations with a “Minimum Radiation” Standard	NAB ³³
35	Conduct Tutorials on Radio Engineering Rules at Headquarters and Annual Conferences	NAA, ³⁴ NAB ³⁵

²⁵ See id.

²⁶ See id.

²⁷ See NAB Reply Comments at p. 33, n. 131.

²⁸ See Tribune Company Comments at p. 44.

²⁹ See NAB Reply Comments at p. 33, n. 131.

³⁰ See id.

³¹ See Tribune Company Comments at p. 44.

³² See NAB Reply Comments at p. 33, n. 131.

³³ See id.

³⁴ See NAA Comments at p. 10.

³⁵ See NAB Reply Comments at p. 33, n. 131.

Proposal Number	Name of Proposal	Endorsing Organization
38	Remove Non-Viable FM Allotments	NAB ³⁶
45	Ask Congress to Create a Small and Minority Communications Loan Guarantee Program through the Small Business Administration	NAA ³⁷
47	Provide Tax Credits to Companies that Donate Broadcast Stations to Institutions that Train Minorities and Women in Broadcasting.	NAA ³⁸

³⁶ See id.

³⁷ See NAA Comments at p. 10.

³⁸ See id.

Conclusion

The Commission can wait no longer to take strong, pro-active steps to increase broadcast industry diversity. Forty-seven proposals have been placed on the record in this docket, and many are endorsed by a wide cross-section of stakeholders. The proposals would remove barriers for minorities and women entrepreneurs so that they may secure and grow footholds in broadcast ownership. DCS members reiterate their steadfast commitment to working with the Commission to ensure that our communications industries truly serve the public interest and reflect the rich diversity of our nation.

Respectfully submitted,



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January 4, 2013

APPENDIX

COMPLETE LIST OF THE DIVERSITY AND COMPETITION SUPPORTERS (DCS) SIGNING ONTO THE DECEMBER 26, 2012 FURTHER COMMENTS AND THE ATTACHED JANUARY 4, 2013 FURTHER REPLY COMMENTS ³⁹

1. A. Philip Randolph Institute
2. American Indians in Film and Television
3. ASPIRA
4. Black Entertainment and Sports Lawyers Association
5. Black Leadership Forum
6. Broadband & Social Justice
7. Communications Consumers United
8. Dialogue on Diversity
9. Hispanic Elected Local Officials
10. International Black Broadcasters Association
11. Latinos in Sciences and Technology Association
12. Lawyers' Committee for Civil Rights Under Law
13. League of United Latin American Citizens
14. MANA – A National Latina Organization
15. Minority Media and Telecommunications Council
16. National Action Network
17. National Association of Black County Officials
18. National Association of Black Journalists
19. National Association of Black Telecommunications Professionals
20. National Association of Multicultural Digital Entrepreneurs
21. National Black Caucus of Local Elected Officials
22. National Black Caucus of State Legislators
23. National Black Church Initiative
24. National Black Religious Broadcasters
25. National Conference of Black Mayors
26. National Congress of Black Women, Inc.
27. National Hispanic Caucus of State Legislators
28. National Hispanic Foundation for the Arts
29. National Newspaper Publishers Association
30. National Organization of Black County Officials
31. National Organization of Black Elected Legislative Women
32. National Puerto Rican Chamber of Commerce
33. Native American Public Telecommunications
34. Universal Impact
35. Women's Institute for Freedom of the Press

³⁹ In Initial Comments March 5, 2012 and Supplemental Comments April 3 2012, 50 Diversity and Competition Supporters endorsed the 47 proposals and the eligible entity definition that are discussed in these Further Comments. These 50 groups continue to support the 47 proposals and the definition. The 35 organizations listed here have now signed onto both the December 26, 2012 Further Comments and the attached January 4, 2013 Further Reply Comments.