

**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

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

The Diversity and Competition Supporters¹ (“DCS”) respectfully submit this Supplement to the December 26, 2012 DCS Further Comments and the January 4, 2013 DCS Further Reply Comments on the Commission’s recently released commercial broadcast station ownership report.² DCS continues to urge the Commission to consider, immediately, the pending 47 race neutral proposals to promote broadcast diversity.³ This Supplement provides the Commission

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”).

³ These proposals were described in detail in Comments DCS filed on April 3, 2012 in this proceeding. 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->

with an updated chart, infra, of the numerous industry associations (the Newspaper Association of America (NAA), the National Association of Broadcasters (NAB), and the National Association of Media Brokers (NAMB)), media companies (Media General, Inc., the Tribune Company, Bonneville International, the Scranton Times and Morris Communications) and a coalition of public interest organizations led by the Office of Communication of the United Church of Christ, that have endorsed some of DCS' 47 pending proposals. The 47 proposals were submitted by the 50 national organizations that signed on to DCS' March 5, 2012 Initial Comments and its April 3, 2012 Supplemental Comments; seven additional national organizations have subsequently endorsed all 47 proposals.⁴

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

The table below sets out proposals made by DCS, as enumerated in DCS' 2012 Supplemental Comments, and each organization filing comments in support of the proposals.

[Ownership-Comments-040312.pdf](#) (last visited Dec. 19, 2012) ("DCS 2012 Supplemental Comments"). DCS respectfully commends to the Commission a December 27, 2012 commentary by former Commissioner Deborah Taylor Tate, <http://broadbandandsocialjustice.org/2012/12/the-color-of-voices/> (last visited January 11, 2013) in which Commissioner Tate concurs with former Commissioner Michael Copps' suggestion that the Commission rule on some of the DCS proposals every month:

My former colleague Commissioner Mike Copps and I probably don't agree about much regarding media ownership, but we do agree on one thing that he suggested over 5 years ago. The FCC should commit to review and vote on some of those 71 long-pending minority ownership proposals every month. Up or down. Just please do something in 2013 to ensure that women and minorities can participate fully in America's broadcasting industry.

⁴ See DCS 2012 Supplemental Comments at p. 94 (the Appendix to which sets out the 50 DCS member signatories of the Supplemental Comments). To those 50 organizations endorsing the 47 proposals and ODP definition in March/April 2012, DCS can add seven more (included in the Appendix to the instant Supplement) that have now also endorsed the 47 proposals: ASPIRA, National Action Network, National Black Chamber of Commerce, National Black Religious Broadcasters, National Conference of Black Mayors, National Coalition on Black Civic Participation, and National Hispanic Caucus of State Legislators.

Proposal Number	Name of Proposal	Endorsing Organization
1	Minority Ownership Incubation	Tribune Company, ⁵ NAA, ⁶ NAB, ⁷ NAMB, ⁸ Bonneville-Scranton, ⁹ Morris Communications ¹⁰
2	Relax Broadcast Foreign Ownership Restrictions	Tribune Company, ¹¹ NAMB, ¹² Bonneville-Scranton ¹³

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 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 Joint Reply Comments of the Bonneville International Corporation and The Scranton Times, L.P., 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 (Jan. 4, 2013) at p. 13, available at <http://apps.fcc.gov/ecfs/document/view?id=7022097844> (last visited Jan. 9, 2013) ("Bonneville-Scranton Comments").

¹⁰ See Reply Comments of Morris Communications Company LLC, 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 (Jan. 4, 2013) at p. 5, available at <http://apps.fcc.gov/ecfs/document/view?id=7022097733> (last visited Jan. 9, 2013) ("Morris Communications Comments").

¹¹ See Tribune Company Comments at p. 41.

¹² See NAMB Comments at p. 7.

Proposal Number	Name of Proposal	Endorsing Organization
3	Reinstate and Expand Tax Certificate Policy	Tribune Company, ¹⁴ NAB, ¹⁵ Media General, Inc., ¹⁶ NAMB, ¹⁷ Bonneville-Scranton, ¹⁸ UCC <i>et. al.</i> , ¹⁹ Morris Communications ²⁰
7	Create a Media and Telecom Public Engineer Position to Assist Small Businesses and Nonprofits with Routine Engineering Matters	NAB ²¹
8	Issue A One-Year Waiver, On A Case-By Case Basis, Of Application Fees For Small Businesses And Nonprofits	NAA ²²
9	Grant Eligible Entities a Rebuttable Presumption of Eligibility for Waivers, Reductions, or Deferrals of Commission Fees	Tribune Company ²³

¹³ See Bonneville-Scranton Comments at p. 13.

¹⁴ See Tribune Company Comments at p. 41.

¹⁵ See NAB Reply Comments at p. 32.

¹⁶ 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").

¹⁷ See NAMB Comments at p. 7.

¹⁸ See Bonneville-Scranton Comments at p. 14.

¹⁹ See Reply Comments of the Office of Communication of the United Church of Christ, Inc., Media Alliance, National Organization for Women Foundation, Communications Workers of America, Common Cause, Benton Foundation, Media Council Hawai'i and Prometheus Radio Project ("UCC *et. al.*"), 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 (Jan. 4, 2013) at p. 6, available at <http://apps.fcc.gov/ecfs/document/view?id=7022097778> (last visited Jan. 9, 2013) ("UCC *et. al.* Comments").

²⁰ See Morris Communications Comments at p. 6.

²¹ See NAB Reply Comments at p. 33, n. 131.

²² See NAA Comments at p. 10.

Proposal Number	Name of Proposal	Endorsing Organization
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), ²⁴ Morris Communications ²⁵
13	Structural Rule Waivers for Financing Construction of an Unbuilt Station	Tribune Company ²⁶
14	Use the Share-Time Rule to Allow Broadcasters to Share Frequencies to Foster Ownership of DTV and FM Subchannels	Tribune Company ²⁷
16	Relax the Main Studio Rule	NAA, ²⁸ Tribune Company, ²⁹ NAB ³⁰
17	Clarify that Eligible Entities can Obtain 18 Months to Construct Major Modifications of Authorized Facilities	Tribune Company ³¹
18	Extend the Three-Year Period for New Station Construction Permits for Eligible Entities and SDBs	Tribune Company ³²
20	Authorize Interference Agreements	Tribune Company ³³

²³ See Tribune Company Comments at p. 41.

²⁴ See id. at p. 42.

²⁵ See Morris Communications Comments at p. 5.

²⁶ See Tribune Company Comments at p. 43.

²⁷ See id.

²⁸ See NAA Comments at p. 10.

²⁹ See Tribune Company Comments at p. 43.

³⁰ See NAB Reply Comments at p. 33, n. 131.

³¹ See Tribune Company Comments at p. 43.

³² See id.

³³ See id.

Proposal Number	Name of Proposal	Endorsing Organization
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”) ³⁴
22	Relax the Limit of Four Contingent Applications	Tribune Company, ³⁵ NAB ³⁶
23	Request the Removal of AM Nighttime Coverage Rules from Section 73.24(i)	NAB ³⁷
24	Relax Principal Community Coverage Rules for Commercial Stations	Tribune Company, ³⁸ NAB ³⁹
25	Replace “Minimum Efficiency” Standard for AM Stations with a “Minimum Radiation” Standard	NAB ⁴⁰
35	Conduct Tutorials on Radio Engineering Rules at Headquarters and Annual Conferences	NAA, ⁴¹ NAB, ⁴² Bonneville-Scranton ⁴³
38	Remove Non-Viable FM Allotments	NAB ⁴⁴

³⁴ See NAB Reply Comments at p. 33, n. 131.

³⁵ See Tribune Company Comments at p. 44.

³⁶ See NAB Reply Comments at p. 33, n. 131.

³⁷ See *id.*

³⁸ See Tribune Company Comments at p. 44.

³⁹ See NAB Reply Comments at p. 33, n. 131.

⁴⁰ See *id.*

⁴¹ See NAA Comments at p. 10.

⁴² See NAB Reply Comments at p. 33, n. 131.

⁴³ See Bonneville-Scranton Comments at p. 14.

⁴⁴ See NAB Reply Comments at p. 33, n. 131.

Proposal Number	Name of Proposal	Endorsing Organization
45	Ask Congress to Create a Small and Minority Communications Loan Guarantee Program through the Small Business Administration	NAA ⁴⁵
47	Provide Tax Credits to Companies that Donate Broadcast Stations to Institutions that Train Minorities and Women in Broadcasting.	NAA ⁴⁶

Respectfully submitted,



David Honig
 President
 Maurita Coley
 Vice President and COO
 Kenneth Mallory
 Staff Counsel
 Joycelyn James
 Cathy Hughes Fellow
 Jacqueline Clary
 John W. Jones Fellow
 Minority Media and Telecommunications Council
 3636 16th Street NW, Suite B-366
 Washington, D.C. 20010
 (202) 332-0500
dhonig@crosslink.net
 Counsel for Diversity and Competition Supporters

January 11, 2013

⁴⁵ See NAA Comments at p. 10.

⁴⁶ See id.

APPENDIX (FINAL)

COMPLETE LIST OF THE DIVERSITY AND COMPETITION SUPPORTERS (DCS) SIGNING ONTO THE DECEMBER 26, 2012 FURTHER COMMENTS, THE JANUARY 4, 2013 FURTHER REPLY COMMENTS, AND THE JANUARY 11, 2012 SUPPLEMENTAL COMMENTS⁴⁷

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

⁴⁷ 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 (ODP) that are discussed in these Further Comments. These 50 organizations continue to support the 47 proposals and the ODP definition. The 38 organizations listed here have now signed onto both the December 26, 2012 Further Comments, the January 4, 2013 Further Reply Comments, and this Supplement. In all, 57 DCS organizations have endorsed the 47 proposals and the ODP definition (see n. 4 supra).