

NATIONAL ASSOCIATION OF BLACK OWNED BROADCASTERS

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*Executive Director
and General Counsel*

January 8, 2013

VIA ELECTRONIC FILING

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

Re: **Notice of *Ex Parte* Communication, MB Docket No. 09-182 (2010 Quadrennial Review), MB Docket No. 07-294 (Diversification of Ownership)**

Dear Ms. Dortch:

On January 7, 2013, the undersigned Executive Director and General Counsel of the National Association of Black Owned Broadcasters, Inc. ("NABOB") met with Elizabeth Andrion of Chairman Julius Genachowski's office.

In the meeting, I explained NABOB's view that:

1. The Commission should focus its resources on completing the studies required by the Supreme Court's *Adarand* decision¹ and then develop race-conscious policies that can effectively promote minority ownership.
2. The decision of the U. S. Court of Appeal for the Third Circuit in the *Prometheus* case² requires the Commission to develop a record and adopt a definition for "eligible entities" that has a reasonable possibility of improving

¹ *Adarand Constrs., Inc. v. Pena*, 515 U.S. 200 (1995).

² *Prometheus Radio Project v. Federal Communications Commission*, 652 F.3d 431 (3d Cir. 2011).

Ms. Marlene H. Dortch

January 8, 2013

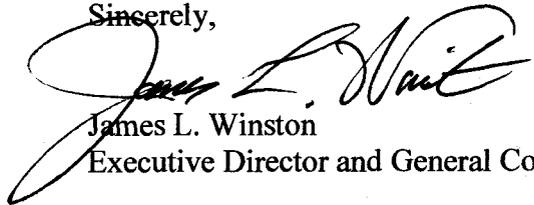
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ownership opportunities for minorities and women.

3. The relaxation of any ownership rules without developing a record regarding the potential impact of any such relaxation upon ownership opportunities for minorities and women fails to comply with the requirements of the Court's decision in *Prometheus*.³

In accordance with the Commission's rules, this notice is being filed in the Commission's Electronic Comment Filing System.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Winston", is written over the typed name and title.

James L. Winston

Executive Director and General Counsel

cc: Elizabeth Andrion

³ 652 F.3d at 472.