

Minority Media and Telecommunications Council

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June 6, 2013

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

RE: Notice of *Ex Parte* Communication, MB Docket No. 09-182 (2010 Quadrennial Review)
MB Docket No. 07-294 (Diversity Proceeding)
MB Docket No. 09-52, IB Docket No. 11-133 (Foreign Ownership)
Review of the Emergency Alert System (EB Docket No. 04-296)
Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on
Communications Networks (EB Docket 06-119)
Softbank-Sprint Acquisition (IB Docket No. 12-343)

Dear Ms. Dortch:

This reports on a telephone conference call meeting on June 6, 2013 with Acting Chairwoman Mignon Clyburn; David Grimaldi, Chief Counsel and Senior Legal Advisor to Acting Chairwoman Mignon Clyburn, P. Michelle Ellison, Acting Chief of Staff to Acting Chairwoman Mignon Clyburn, Louis Peraertz, Legal Advisor for Wireless, International, and Public Safety Issues to Acting Chairwoman Mignon Clyburn, Drema Johnson, Confidential Assistant to Acting Chairwoman Mignon Clyburn and Kim Mattos, Assistant to P. Michelle Ellison. MMTC was represented by David Honig, President, and Maurita Coley, Chief Operating Officer.

In the meeting, we provided the status on several items first discussed in our April 4, 2013 meetings¹ with Acting Chairwoman Mignon Clyburn, Dave Grimaldi, and Elizabeth Andrion, former Acting Chief Counsel and Senior Legal Advisor to former Chairman Julius Genachowski. I made the following points:

1. **Foreign Ownership.** The comments in response to the Public Notice regarding whether relaxation of its restrictions on overseas investments in broadcasting (interpreting and applying 47 U.S.C. §310(b)(4)) would serve the public interest were overwhelmingly positive. MMTC continues to believe that relaxing the foreign ownership broadcasting restrictions would enhance access to capital for minority broadcasters. The issue is ripe for a decision.

2. **AM Radio Rescue.** As part of the media ownership proceeding, the Commission should adopt a package of AM radio improvement proposals such as migrating AM radio to TV channels 5 and 6, and adopting a rule waiver proposal that would allow AM stations to move FM translators farther away to-rebroadcast stronger signals.

¹ See MMTC Ex Parte (April 5, 2013), available at <http://apps.fcc.gov/ecfs/comment/view?id=6017276207> (last visited June 6, 2013).

3. **71 Pro-Diversity Proposals.** MMTC wants the Commission to consider adopting former Commissioner Michael Copps² suggestion (supported by former Commissioner Deborah Taylor Tate³) that the Commission vote “up or down” each month on over 70 proposals that could advance diversity in media and telecom. As Commissioner Copps has remarked, many of these proposals were first introduced by the Commission’s Advisory Committee on Diversity in the Digital Age and endorsed by MMTC and several organizations in the current media ownership proceeding.

4. **Cross-Ownership Study.** MMTC’s recently completed study, which evaluated whether and to what extent there may be an impact of the Commission’s cross-ownership rules on minority broadcast ownership, is not dispositive but is a useful piece of evidence. It should be put out for public comment.

5. **Katrina Petition.** As MMTC stated in its recent letter to the Public Safety and Homeland Security Bureau, the Commission should consider and rule on the Katrina Petition before the 2013 hurricane season.⁴

6. **EEO Enforcement.** We previously met with Media Bureau Chief Bill Lake and the EEO staff about reversing the modified reporting requirements for broadcasters in the 2013 EEO audit letters.⁵ We believe that the new requirements will not produce any value in terms of EEO enforcement or motivate broadcasters to recruit and train minorities. We also believe that the Commission should readopt its annual EEO reporting (Form 395) and adopt the recommendation of the Diversity Committee to focus the EEO rules on mentoring, promotion and training in addition to recruitment.⁶

7. **MWBE Inclusion in Upcoming Mobile Wireless Competition Report.** MMTC believes that the Commission should include data on minority and women owned business enterprises (MWBEs) in the Wireless Telecommunications Bureau’s (WTB) upcoming mobile wireless report to assist the Commission in determining whether competition exists among mobile wireless spectrum licensees. As we stated in our May 20

² See, e.g., Michael Copps, Diversity Denied, Benton Foundation (Aug. 14, 2012), available at <http://benton.org/node/132169> (last visited June 6, 2013) (Copps states that he “recommended,” putting one of the “70 plus” proposals made by MMTC and the Diversity Advisory Committee “on the FCC’s formal agenda meeting each month for a year and actually vote on it.”)

³ See, e.g., Deborah Taylor Tate, The Color of Voices, BBSJ.org (Dec. 27, 2012), available at <http://broadbandandsocialjustice.org/2012/12/the-color-of-voices/> (last visited June 6, 2013) (Tate states that “The FCC should commit to review and vote on some of those 71 long-pending minority ownership proposals every month. Up or down.”)

⁴ See MMTC Letter to David S. Turetsky, Chief Public Safety and Homeland Security Bureau (May 9, 2013), available at <http://apps.fcc.gov/ecfs/comment/view?id=6017338869> (last visited June 6, 2013).

⁵ See FCC Public Notice, DA-13-301, FCC Commences 2013 EEO Audits (Feb. 28, 2013), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0228/DA-13-301A1.pdf (last visited June 6, 2013).

⁶ See, e.g., FCC Advisory Committee on Diversity for Communications in the Digital Age, Adopted Recommendations, Recommendation for a Regulatory Initiative for Career Advancement (Dec. 10, 2004), available at <http://transition.fcc.gov/DiversityFAC/recommendations.html>, then follow link to “EEO Rule (Dec. 10, 2004)” (last visited June 6, 2013).

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letter to Acting Chairwoman Clyburn,⁷ we would like the WTB to issue a Supplement to the recent Public Notice it has disseminated seeking comment on the Seventeenth Mobile Wireless Competition Report, which indicates the WTB's intention to collect MWBE data.

8. **SoftBank-Sprint Acquisition.** MMTC would like the Commission to request that the applicants provide information about how the proposed transaction would benefit women and minorities and increase broadband access for underserved communities by answering the key questions that we have posed.⁸ We would like for the Acting Chairwoman and the Commission to be able to rule on a full record in this matter with information about how the transaction would impact diversity. We hope that Softbank and DISH will each respond quickly to our questions.

Respectfully submitted,

David Honig

David Honig
President

⁷ See MMTC Letter to Acting Chairwoman Mignon Clyburn (May 20, 2013), available at <http://apps.fcc.gov/ecfs/comment/view?id=6017441701> (last visited June 6, 2013).

⁸ See MMTC Letter to Acting Chairwoman Mignon Clyburn (May 28, 2012), available at <http://apps.fcc.gov/ecfs/comment/view?id=6017444224> (last visited June 6, 2013).