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Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
455 12th St, SW  
Washington, DC 20554

Re: 2010 Quadrennial Regulatory Review, MB Docket No. 09-182; *Diversification of Ownership in the Broadcasting Services*, MB Docket No. 07-294; and *Critical Information Needs Studies*, BO Docket No. 12-30

Dear Ms. Dortch:

Pursuant to section 1.1206(b) of the Commission's rules, this letter provides notice regarding an *ex parte* communication in the above referenced proceedings.

On February 3, 2014, Cheryl Leanza from the Office of Communication, Inc. of the United Church of Christ ("UCC OC Inc."), as well as Angela Campbell and law student Catherine Yang from the Institute for Public Representation ("IPR"), which is counsel to UCC OC, Inc., met with Maria Kirby, Legal Advisor for Media in Chairman Wheeler's office.

The purpose of the meeting was to discuss some issues in the 2010 Quadrennial Review. UCC OC Inc. presented three main points.

First, UCC OC Inc. reiterated its position that the Commission, in accordance with the Third Circuit's clear instruction in *Prometheus II*, must conduct analysis of the

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impact of its media ownership rules on women and people of color before it takes any action to relax those rules.<sup>1</sup>

UCC OC Inc. emphasized that the current record is inadequate, both to meet the court's mandate and also inadequate as a substantive matter. The 323 data collection process, for example, did not produce an adequate dataset because the data is incomplete and is not organized in any meaningful fashion that illustrates the impact of rule changes.<sup>2</sup> Moreover, the Commission has failed to conduct any analysis of the 323 data. UCC OC Inc. encouraged the Commission to analyze whether its rule changes would contravene the goals of diversity and localism. Additionally, because two years have passed since the last 323, UCC OC Inc. urged the Commission to examine how the data has changed and to organize that information in a way that is both accessible and usable.

Second, UCC OC Inc. explained that only a data collection of the intensity of the Critical Information Needs studies would be adequate. Because these studies are broader than, but include, broadcasting, we anticipate that they would most accurately portray the adequacy of the current media ecosystem. UCC OC Inc. expressed its desire for a clear commitment by the Commission that, upon completion of the current pilot, the new studies will receive full funding and commence promptly and that the Commission would base its decisions in the 2010 or 2014 Quadrennial review using that data.

Third, UCC OC Inc. reiterated its frustration over the issue of JSAs and SSAs and recommended that the Commission attribute such arrangements in the 2010 Review.<sup>3</sup> The concern is two-fold. First, SSAs cut at the heart of the Commission's goals for content that promotes diversity and localism. Moreover, there appear to be internal triage guidelines that are not publicly available, but are known only by broadcasters and the Media Bureau. This lack of transparency is problematic. Furthermore, UCC

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<sup>1</sup> The Third Circuit has unequivocally noted that:

[d]espite our prior remand requiring the Commission to consider the effect of its rules on minority and female ownership . . . the Commission has in large part punted yet again on this important issue. . . . [T]he Commission appears yet to have gathered the information required to address these challenges, which it needs to do in the course of its review already underway. As ownership diversity is an important aspect of the overall media ownership regulatory framework, we re-emphasize that the actions required on remand should be completed within the course of the Commission's 2010 Quadrennial Review of its media ownership rules.

*Prometheus Radio Project v. FCC ("Prometheus II")*, 652 F.3d 431, 471-72 (3d Cir. 2011).

<sup>2</sup> See Comments of UCC et al., at 10-16 (Dec. 26, 2012).

<sup>3</sup> See Comments of UCC et al., at 1 (Mar. 5, 2012).

OC Inc. expressed concern that Commission inaction on this issue invites broadcasters to quickly usher through as many of these arrangements as possible and then, in the event of later Commission action, to grandfather in the transactions, creating perverse incentives. To address this concern, UCC OC Inc. suggested that the Commission make a tentative finding that SSAs undermine the goals of the ownership rules and that it provide notice of action, subjecting parties to possible unwinding of their arrangements.

Respectfully submitted,  
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cc: Maria Kirby