



**Minority Media &
Telecom Council**

3636 16th Street N.W. Suite B-366
Washington, D.C. 20010

Phone: 202-332-0500 Fax: 202-332-7511

<http://www.mmtconline.org>

April 3, 2014

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

RE: Notice of *Ex Parte* Communication, WT Docket No. 05-211 (Modernization of Competitive Bidding Rules); WT Docket No. 13-135 (Wireless Competition); GN Docket No. 13-185 (Amending Commercial Operation Rules in 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands); GN Docket No. 12-268 (Incentive Auction); GN Docket No. 09-51 (National Broadband Plan); GN Docket No. 09-191 (Preserving the Open Internet); WC Docket No. 07-52 (Broadband Industry Practices); MB Docket No. 09-182 (2010 Quadrennial Regulatory Review); MB Docket No. 07-294 (Broadcast Diversity Proceeding)

Dear Ms. Dortch:

This letter reports on a meeting held on April 1, 2014 with Gigi Sohn, Special Counsel for External Affairs, and Renee Gregory, Legal Advisor for Engineering and Technology, Wireless, and Incentive Auction, of the Chairman's office. Dr. Nicol Turner Lee, Vice President and Chief Policy Officer and Jacqueline Clary, Senior Counsel and Policy Fellow represented MMTC.

The purpose of the meeting was to discuss opportunities and concerns about minority and women-owned business enterprises (MWBES) participation in the upcoming spectrum auctions, including the AWS-III and the Incentive Auctions. While MMTC lauded the Commission on their movement on the AWS-III Auction, MMTC expressed disappointment that the Designated Entity (DE) Rules were not updated to enhance diverse competition. Following up on previous efforts,¹ MMTC once again shared the priority recommendations of its recently released White

¹ See e.g., Initial Comments of the Broadband Diversity Supporters, A National broadband Plan for Our Future, GN Docket No. 09-51 (corrected copy filed July 5, 2009), p. 18-22 (explaining the barriers raised by the 2006 DE Rule Changes); Comments of the Civil Rights Organizations – NBP Public Notice #26: Spectrum Policy, GN Docket Nos. 09-47, 09-51, 09-137 (Dec. 22, 2009), p. 9 (reiterating the FCC's Section 257 Obligation to reduce market entry obligations for disadvantaged businesses); Initial Comments of the Incentive Auction Advocates, GN Docket No 12-268 (Jan. 25, 2013), p. 4-7; Reply Comments of the Minority Media and Telecommunications Council, The State of Mobile Wireless Competition, WT Docket No. 13-135 (July 25, 2013) ("MMTC MWBE Reply Comments"). See also Advisory Committee for Diversity in the Digital Age ("Diversity Committee") Resolution Regarding Designated Entity Investment Rules (2009), available at <http://transition.fcc.gov/DiversityFAC/recommendations.html> (follow link to "Designated Entity Investment Rules")

Paper focused on promoting Designated Entity (DE) participation in upcoming spectrum auctions.² MMTC urged the Commission to eliminate the Attributable Material Relationship Rule (AMR Rule), increase bidding credits to at least 40%, and prioritize diversity and inclusion in secondary markets.³ MMTC is hopeful that the Commission will review the AMR rule prior to the AWS-III auction.⁴

MMTC also encouraged the FCC to convene a meeting of DEs and civil rights organizations that have submitted letters of support around DE reform with Chairman Wheeler, and suggested that the Commission identify ways to raise awareness about the inclusion of MWBEs in secondary market transactions.

Further, we requested a status update on the Mobile Wireless Competition proceeding especially with respect to the role of Minority and Women-Owned Business Enterprises (MWBEs) in determining the state of mobile wireless competition.⁵ MMTC's Reply Comments urged the Commission to collect MWBE data from carriers to help the FCC determine whether the wireless market is competitive.⁶ We encouraged the Commission to prioritize MWBE data collection in its public notices regarding wireless competition to allow for better data on the status of diverse participation. More specifically, MMTC continues to urge the Commission to use the following forms to gather data on race and gender:

- Form 175 (application to participate in FCC auction), and
- Form 602 (Wireless Telecommunications Service Ownership Disclosure Form).⁷

Respectfully submitted,

Jacqueline Clary

Jacqueline Clary
Senior Counsel and John W. Jones Fellow

(last visited April 1, 2014) (urging the FCC to reverse the 2006 Rule Changes and consult with the Advisory Committee prior to auction to discuss policy goals including bidding credits).

² See S. Jenell Trigg and Jeneba Jalloh Ghatt, *Digital Déjà Vu: A Road Map for Promoting Minority Ownership in the Wireless Industry* (Feb. 25, 2014) ("MMTC White Paper"). See also Letter to Chairman Wheeler and Commissioners, Modernization of Competitive Bidding, WT Docket No. 05-211 et al. (March 7, 2014) (a coalition of 20 organizations and individuals submitted a letter of support for the recommendations put forth in the MMTC White Paper) (Joint Letter of Support).

³ See e.g. MMTC White Paper; S. Jenell Trigg, Ex Parte Letter, WT Docket No. 05-211 et al. (March 24, 2014).

⁴ See e.g. *Wireless Telecommunications Bureau Seeks Comment on Request for Clarification or Waiver of the Commission's "Attributable Material Relationship" Rule, Public Notice*, WT Docket No. 05-211 et al. (March 27, 2014).

⁵ See *Wireless Telecommunications Bureau Seeks Further Comment on the State of Mobile Wireless Competition and the Rule of Minority and Women-Owned Business Enterprises and Extends Period for Reply Comments, Public Notice*, WT Docket No. 13-135 (rel. July 1, 2013). See also MMTC MWBE Reply Comments.

⁶ See MMTC MWBE Reply Comments at p. 9-12.

⁷ See *id.*