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January 21, 2009

Hon. Michael J. Copps
Interim Chairman
Federal Communications Commission
445 12th St. S.W.
Washington, D.C. 20554

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Dear Chairman Copps:

RE: Pending Civil Rights Rulemaking Matters, including those in:

- MB Docket No. 07-294 (Media Ownership Diversity)
- MM Docket No. 98-204 (Media EEO)
- MB Docket 05-331 (Cable A La Carte)
- EB Docket No. 06-119 (Multilingual EAS)
- RM No. 11338 (FM Translators for AM Stations)
- MM Docket No. 93-177 (AM DA Verification)
- MB Docket No. 08-187 (Portable People Meter)
- Recommendations of the Advisory Committee for Diversity in Communications in the Digital Age (2003-2008)

Over the past eight years at the FCC, much has been proposed to advance diversity but little has been accomplished. That has not been for want of effort or creativity. MMTC and the Advisory Committee on Diversity for Communications in the Digital Age (“Diversity Committee”) have each placed before the Commission a vast array of proposals to advance the agency’s civil rights objectives. The MMTC Road Map for Telecommunications Policy (July 2008) (enclosed) summarizes most of these pending recommendations.

In the near future, MMTC will file a comprehensive petition for rulemaking seeking action on the docketed proposals and on several of the pending recommendations of the Diversity Committee. For the moment, as you begin your chairmanship we wanted you to have a ready reference guide to the civil rights matters that are backed up at the agency and ready for action now. These matters are outlined below.

- I. Actively Promote Diversity In Broadcast Station Ownership (MB Docket 07-294)
 - A. Definition of Socially and Economically Disadvantaged Businesses
 1. Eligible Entities Definition
 2. Developing a Race Conscious SDB Definition
 3. Adopting Full File Review Until a Constitutionally Sound SDB Program is Created
 - B. Share Time Proposals
 1. Free Speech Radio on Analog Radio
 2. Digital Broadcasting: FM HD Radio Service and DTV Service
 - C. Retention on Air of AM Expanded Band Owners' Stations if one of the Stations is Sold to an Eligible Entity
 - D. Modifications to Form 323
 - E. Structural Rule Waivers for Creating Incubator Programs
 - F. Open FM Spectrum for New Entrants
 - G. Must-Carry for Multilingual and Hyper-Local Class A Television Stations
 - H. Establish a Federal Advisory Committee to Explore the Reallocation of TV Channels 5 and 6 for FM Service
 - I. Proposals of the National Association of Black Owned Broadcasters and the Rainbow/PUSH Coalition
 1. Examine Major Rulemaking and Merger Applications to Discern the Potential Impact of the Proposed Rules or Transactions of Minority and Female Ownership
 2. Decline to Grant Temporary Waivers of the Local Ownership Rules to Parties Proposing a Transaction that would Create Station Combinations Exceeding the Ownership Caps
 3. Treat Local Marketing Agreements as Attributable Interests

4. Allow Minorities to Own Station Combinations Equal to the Largest Combination in a Market to Counterbalance the Economic Impact of Grandfathered Holdings
- J. Relaxation of the Commission's Administration of the Broadcast Foreign Ownership Statute
- II. Adopt Meaningful Equal Employment Rules And Policies (MM Docket 98-204)
 - A. Improve Form 395 to Enhance the Commission's Data Collection Efforts
 - B. Consider Statistical Evidence of Industrywide EEO Noncompliance
 - C. Revise the EEO Exemption for Rural Markets
- III. Firmly Reject A La Carte Mandates (MB Docket 05-331)
- IV. Heed The Independent Panel's Call For A Multilingual Emergency Alert System (EB Docket 06-119)
- V. Authorize FM Translators For AM Stations (RM No. 11338)
- VI. Authorize Computer Modeled AM Directional Antenna Performance Verification (MM Docket 93-177)
- VII. Initiate A Section 403 Investigation Of Portable People Meter (PPM) Methodology (MB Docket 08-107)
- VII. Act On The Principal Pending Recommendations Of The Advisory Committee On Diversity For Communications In The Digital Age (2003-2008)
 - A. Access to Capital
 1. Provide a transferable credit or voucher to any winner in an FCC spectrum auction that certifies that it will use its spectrum to provide service to an underserved market, or will enter into a transaction with a socially and economically disadvantaged business
 2. Creation of a Diversity Credits Program, under which licensees would be given credits based on their contribution to diversity; credits would be assessed per transaction and could be sold by diverse licensees to other licensees

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B. New Communications Technologies

1. Increase the maximum initial term of FCC experimental licenses from five to seven years
2. Expand the maximum term of special temporary authority (“STA”) authorizations to one year
3. Increase the bidding credits available to qualifying “small” and “very small” business in FCC spectrum auctions to 25 percent and 50 percent respectively
4. Subdivide auctionable spectrum into small geographic areas such as metropolitan statistical areas (“MSAs”) and rural service areas (“RSAs”)
5. Promote transparency and anti-fraud enforcement of the Designated Entity program by reinstating a meaningful personal net worth test and revising bidding credit eligibility certifications

C. Transactional Transparency

1. Provide for expedited FCC review of license assignment, transfer-of-control and de facto transfer leasing applications where the applications certify that notice of intent to sell or lease spectrum under the license was disseminated in a manner that encouraged minorities to pursue transactions
2. Establish transactional best practices to advance ownership diversity.

MMTC would appreciate an opportunity to meet with you and your staff to discuss any of the proposals described here and assess their readiness for consideration and adoption.

Sincerely,

David Honig

David Honig
Executive Director

Enclosure

cc: Commissioner Jonathan S. Adelstein
Commissioner Robert M. McDowell