

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Possible Revision or Elimination of Rules

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CB Docket No. BO 16-251

To The Commission

**COMMENTS OF THE MULTICULTURAL  
MEDIA, TELECOM AND INTERNET COUNCIL**

The Multicultural Media, Telecom and Internet Council (“MMTC”) respectfully submits these Comments in response to the Commission’s Public Notice, 31 FCC Rcd 13053 (2016) (“PN”). The PN lists a host of rules with 10+ year anniversary dates. One of those rules is the broadcast EEO rule, 47 CFR §73.2080. *See* PN at 13132.

The broadcast EEO rule does not belong on the PN’s list of potentially outdated and stale regulations. As we recently noted, “EEO compliance is essentially the only public service the Commission requests of radio stations, and one of very few public services required of television stations and MVPDs.” MMTC Comments, MB Dockets 98-204 and 16-410 (filed January 29, 2017) (“MMTC 2017 EEO Comments”), p. 4. On April 21, 2017, the Commission apparently recognized this when it voted unanimously to improve the EEO rule by authorizing exclusive online recruitment. *See Declaratory Ruling, Petition for Rulemaking to Allow the Sole Use of Internet Sources for FCC EEO Recruitment Requirements*, FCC 17-47 (April 21, 2017). The Commission would not have gone to this trouble if it believed that the rule was worthy of termination.<sup>1</sup>

What is stale is not the rule, but the record in Docket 98-204. As MMTC has pointed out:

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<sup>1</sup> Nor could it, given Congress’ clear instructions. *See* 47 U.S.C. §§334 and 554.

The question of whether broadcasters may use the internet for job search is but a modest part of the greater questions of whether the Commission's EEO enforcement program meets the public interest test Congress has assigned to it the Commission, and whether the EEO regulatory program satisfies the basic standards of cost-benefit analysis. To answer these questions, we must review the entire open EEO docket, MB 98-204 (fns. omitted).

MMTC 2017 EEO Comments, p. 5. MMTC identified the following issues, all pending in Docket MB Docket 98-204, as worthy of consideration:

- Universal EEO coverage of regulatees
- Identification and prosecution of discriminators
- EEO activities evaluation
- Audit reform
- Venue of enforcement staff.

*See id.* at 7-9.

Thus, the Commission should remove the EEO rule from the PN's list of stale proceedings, and should undertake a long-overdue comprehensive and holistic modernization and upgrading of its EEO compliance and enforcement programs.

Respectfully submitted,

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May 3, 2017