

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

In the Matter of)	
)	
M2Z NETWORKS, INC.)	
)	
Application for License and Authority to)	WT Docket No. 07-16
Provide National Broadband Radio Service In)	
the 2155-2175 MHz Band)	
)	
Petition for Forbearance Under)	WT Docket No. 07-30
47 U.S.C. §160(c) Concerning Application of)	
Sections 1.945(b) and (c))	
Of the Commission's Rules and Other)	
Regulatory and Statutory Provisions)	
)	

**AMICUS CURIAE COMMENTS OF THE MINORITY
MEDIA AND TELECOMMUNICATIONS COUNCIL**

David Honig
Executive Director
Minority Media and Telecommunications Council
3636 16th Street, N.W.
Suite B-366
Washington, D.C. 20010
(202) 332-7005
dhonig@crosslink.net

March 1, 2007

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The Minority Media and Telecommunications Council (“MMTC”) submits these *amicus curiae* comments in response to the Public Notice announcing that the application of M2Z Networks, Inc. (“M2Z”) to construct a nationwide wireless broadband network (the “Application”) has been accepted for filing.¹ MMTC applauds the Wireless Telecommunications Bureau for completing its initial review of the Application and accepting it for filing so that a transparent public debate on the merits can begin.

MMTC is a national nonprofit organization dedicated to promoting and preserving equal opportunity and civil rights in the mass media and telecommunications industries. Where an application before the Federal Communications Commission (“FCC” or “Commission”) raises

¹ Pursuant to Section 1.41 of the Commission’s rules, MMTC requests leave to file comments *amicus curiae*. See 47 C.F.R. §1.41. See, e.g., *Salt City Communications, Inc.*, 8 FCC Rcd 683, 687 (1993) (granting request to accept pleading as an *amicus* filing).

broader public policy issues relevant to MMTC's core mission, as does M2Z's license Application, MMTC has filed *amicus curiae* comments to identify public interest factors. As explained further below, grant of the Application would be a further step toward increased minority ownership of communications outlets and increase the diversity of content available via the Internet.

I. DIVERSE MANAGEMENT AND CONTROL PROMOTES MINORITY OWNERSHIP OF COMMUNICATIONS OUTLETS

Having represented more than sixty national organizations before the FCC and in the appellate courts, MMTC is the nation's principal advocate for ownership diversity. MMTC is also a resource for potential minority owners: each year, MMTC holds the nation's premier minority media and telecom financing conference. These activities reflect MMTC's long-held belief that enhancing ownership diversity requires a multifaceted approach involving statutory change, FCC rule revisions, and private industry initiatives. To the extent that grant of the Application would allow a company with significant minority executive leadership to hold an FCC license, it would provide a model of diversity for other communications businesses to follow. Replication of such a model ultimately would lead to increased minority ownership of communications outlets.

The Commission has a statutory mandate to promote ownership of communications outlets by minorities, women, and small businesses. Section 151 of the Communications Act of 1934, as amended, requires the Commission to ensure nondiscrimination in its administration of the public spectrum resource.² Section 257 of the Telecommunications Act of 1996 directs the

² 47 U.S.C. §151 (providing that the Commission's purpose is "to make available, so far as possible, to all the people of the United States, *without discrimination on the basis of race, color, religion, national*

Commission to identify and eliminate market entry barriers for entrepreneurs and other small businesses seeking to offer telecommunications and information services.³ Several FCC proceedings have sought comment on means to achieve these goals in recent years, although the Commission has not yet acted upon the proposals it has received.⁴ Comments in past Commission proceedings and recommendations from the Commission’s own Advisory Committee on Diversity for Communications in the Digital Age (the “Diversity Committee”)⁵ have proposed a number of steps for the Commission and Congress to take to foster ownership diversity. They also have identified a range of activities that can be undertaken by the private sector to promote ownership of communications outlets by minorities.

Minority ownership of communications outlets requires access to capital. Although many ownership diversity proposals involve improving access to financing, it is widely recognized that, as a threshold matter, potential minority owners cannot access capital without proven industry expertise in senior management. This is why so many of the private sector initiatives recommended by those that support ownership diversity relate to access to

origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service.”) (emphasis added).

³ 47 U.S.C. §257.

⁴ See, e.g., *2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MM Docket No. 02-277 (*Report and Order*), 18 FCC Rcd 13620, 13636 (2003) (deferring consideration of minority ownership policies for a future proceeding). The Commission was directed to evaluate minority ownership as part of its decision on remand. See *Prometheus Radio Project v. FCC*, 373 F.3d 372, 421 n. 49 (3d Cir. 2004) (“*Prometheus*”), *stay modified on rehearing*, No. 03-3388 (3d Cir., September 3, 2004) (“*Prometheus Rehearing Order*”), *cert. denied*, 545 U.S. 1123 (2005) (calling attention to proposals, by MMTC and other organizations “for advancing minority and disadvantaged business and for promoting diversity in broadcasting” and requiring the “rulemaking process in response to our remand order” to “address these proposals at the same time.”) See also *Prometheus* at 435 n. 82.

⁵ The Diversity Committee is a 21-member expert body originally chartered in 2003. Its Charter provides that the Diversity Committee will focus on “Financial issues, such as access to capital; Transactional transparency and related outreach; Career Advancement; [and] The impact of new and emerging technologies...on diversity issues.” See Charter, Advisory Committee on Diversity for Communications in the Digital Age, §B.

information, equal employment opportunities, executive training, and mentoring.⁶ Employment opportunities, advancement to management and then senior management naturally lead to entrepreneurship and ownership. As courts and the Commission have recognized, minority participation as managers and investors in communications outlets serves the public interest and fosters minority ownership.⁷ These conclusions, made in the context broadcasting during the 1970s and 1980s, resonate today when the levels of diversity in the wireless and broadband industries are comparable to the levels of minority participation in management and ownership of broadcast outlets at that time. Thus, every innovative approach is necessary to bring the wireless and broadband industries up to speed in terms of minority participation in management, investment, and ultimately ownership.

With one of the most diverse ownership and management teams of any communications business, M2Z is a fine example of how the private sector can foster diversity in ownership and management.⁸ The leadership of company's co-founder, Chief Executive Officer, and member

⁶ See, e.g., *Workplace Diversity: A Global Necessity and an Ongoing Commitment*, Report of the Career Advancement Subcommittee of the FCC's Advisory Committee on Diversity for Communications in the Digital Age (June 14, 2004), available at: <http://www.fcc.gov/DiversityFAC/040614/recommend/BestPracticesReport.doc>.

⁷ See *TV 9, Inc., v. FCC*, 495 F.2d 929 (D.C. Cir. 1973) (holding that the Communications Act does not foreclose the Commission's consideration of stock ownership by members of minority groups in deciding comparative hearing cases and that minority stock ownership of an applicant is relevant to a public interest determination on an application's merits). Subsequent opinions have eliminated comparative hearings and minority ownership credits but have not disturbed the court's holding that participation in ownership by minorities advances the public interest. See also *Applications of RKO General, Inc., Boston, MA, for Renewal of License and Dudley Station, Inc. for Construction Permit for New Television Broadcast Station*, 89 F.C.C.2d 297 ¶¶ 119-120 (1982) (in approving a merger, the Commission noted that the large number of minorities among the principals of a newly merged entity would "serve the public interest by fostering minority group ownership").

⁸ Recently, Council Tree Communications filed an *ex parte* notice on behalf of Mosaic Partners that details how minority license holders are severely underrepresented in every segment of the Communications industry. The filing noted the particularly bleak outlook for significant minority participation in spectrum matters following the revision of the Commission's designated entity ("DE") rules: "Auction 66 DE participation was relegated to very small scale undertakings, reflecting DEs' inability to raise any meaningful capital under the new DE rules." See Letter from George T. Laub to

of the Board of Directors, John B. Muleta, sets the tone for this exceptionally diverse organization,⁹ which counts high percentages of minorities among its investors, senior management team, and board of directors. Eighty percent of M2Z's senior managers are members of minority groups,¹⁰ and forty percent of M2Z's board members are ethnic minorities.¹¹ All of the members of the senior management team and board possess considerable experience in their fields of expertise.¹² Members of minority groups also owns significant percentages of the company's stock.

Through their leadership and investor roles within the company, these managers and directors have the opportunity to collectively influence decisions about diversity in employment (including hiring, mentoring, and training, of employees), diversity in supplier relationships, and diversity in the selection of expert consultants. Enhancing diversity in these areas can promote diversity of ownership in the communications industry. An employee who rises to senior

Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 05-211 (filed Feb. 22, 2007). *See also Petitioners' Brief, Council Tree Comm., et al., Council Tree Comm., et al. v. FCC*, No. 06-2943 (3rd Cir., filed Sept. 6, 2006).

⁹ The Commission's Federal Advisory Committee on Diversity identifies the leadership of the CEO as a "best practice" that is key factor to promoting diversity within an organization. *See Workplace Diversity: A Global Necessity and an Ongoing Commitment*, Report of the Career Advancement Subcommittee of the FCC's Advisory Committee on Diversity for Communications in the Digital Age (June 14, 2004), available at: <http://www.fcc.gov/DiversityFAC/040614/recommend/BestPracticesReport.doc> (a company's level of success in promoting diversity depends significantly upon its CEO's "vision and leadership to inspire his/her top managers and all employees to embrace diversity as a tool for success in the marketplace" and whether the CEO "champion[s] diversity by infusing it into all of the company's processes to ensure that diversity is integrated into the core values of the company at all levels").

¹⁰ There are six senior managers, including two officers, a general manager, and three vice presidents. Three of the managers, including CEO John B. Muleta, are African-American, and one manager is Asian-American.

¹¹ There are five board members, one of whom is African-American, and one of whom is Asian-American.

¹² *See Website of M2Z Networks, Inc., About the Company, M2Z Management Team*, <http://www.m2znetworks.com/about-company/management-team> (last visited Feb. 26, 2007) (providing senior manager biographies); *See Website of M2Z Networks, Inc., About the Company, M2Z Board of Directors*, <http://www.m2znetworks.com/about-company/board-of-directors/> (last visited Feb. 26, 2007) (providing board member biographies).

management in the communications industry can progress further to investor status, which will ultimately generate more communications businesses controlled by minorities. In this way, M2Z represents a model that others can follow to promote increased diversity in the ownership and management of communications businesses by minorities. Minority participation in ownership and management of M2Z can spur further minority participation in the wireless and broadband sectors, and ultimately, minority ownership of businesses in these sectors. The Commission, therefore, should use every means in its discretion to promote the culture of diversity—so lacking in these sectors - which M2Z unmistakably advances. The Commission should use all means at its disposal, including its Congressionally-authorized tools under Sections 7, 10, and 309(j)(6)(E) of the Communications Act, to promote diversity through innovative structures such as that proposed by M2Z.¹³

II. THE COMMISSION SHOULD CONSIDER THE EFFECTS OF M2Z’S PROPOSAL ON THE DIGITAL DIVIDE AND BROADBAND COMPETITION

The Application proposes several license conditions, including the following: (1) rapid deployment of free wireless broadband service to the American people in accordance with strict construction benchmarks;¹⁴ (2) mandatory filtering of obscene and indecent material;¹⁵ (3)

¹³ See 47 U.S.C. §157 (mandating that the Commission make a decision on applications proposing new technologies and services within one year of filing and placing the burden of proof on opponents of such applications to demonstrate that the proposal is inconsistent with the public interest); 47 U.S.C. §160 (indicating that the Commission “shall forbear” from applying any regulation statutory provision where enforcement of such regulation or provision is: (i) not necessary to ensure just and reasonable charges, practices, classifications, or regulations; (ii) not necessary for the protection of consumers; and (iii) consistent with the public interest); and 47 U.S.C. §309(j)(6)(E) (emphasizing to the Commission that *nothing* in its competitive bidding authority relieves the FCC from using every available means to avoid mutual exclusivity in application and licensing proceedings).

¹⁴ The Application proposes aggressive construction milestones, under which M2Z would deploy its wireless broadband network to 33 percent of the population during the first three years of its license term, 66 percent of the population in five years, and 95 percent of the population in ten years. See *Application* at 23.

providing a free interoperable wireless broadband platform for public safety organizations;¹⁶ (4) payment of an annual spectrum usage fee to the U.S. Treasury each year;¹⁷ and (5) contributions to the Universal Service Fund, without accepting any such funds, which would preserve and grow this resource.¹⁸

The availability of a free, nationwide broadband wireless network would have profound implications for our nation's ability to meet the challenge of making broadband available to every household. Broadband Internet access opens doors to educational, commercial and social opportunities.¹⁹ Unfortunately, a digital divide exists, which prevents many Americans from taking advantage of this vital resource. FCC reports on broadband penetration significantly overstate the availability of broadband Internet access service.²⁰ Well over half of American adults do not have broadband Internet access in the home.²¹ Others have only dial-up access or

¹⁵ See *Application* at 23-24 and Appendix 3.

¹⁶ See *Application* at 24-26 and Appendix 4. See also M2Z Comments in EB Docket No. 06-119 (filed Aug. 7, 2006).

¹⁷ See *Application* at 22-23.

¹⁸ See *Application* at 26 and Appendix 5.

¹⁹ See, e.g., *Statement of Federal Communications Commission Chairman Kevin J. Martin before the United States Senate Commerce, Science, and Transportation Committee* (Feb. 1, 2007) (discussing how the broadband can make the Internet “an invaluable tool for educating our children, treating patients, and giving a voice and creative outlet to individuals from all walks of life.”); *Statement of Commissioner Deborah Taylor Tate, Federal Communications Commission, before the United States Senate Commerce, Science, and Transportation Committee* (Feb. 1, 2007) (“Broadband promises unprecedented business, educational, and healthcare opportunities for all of us, no matter where we choose to live.”)

²⁰ Although its approach is widely criticized, the Commission continues to rely upon the benchmark of whether there is at least one broadband subscriber in a given zip code in measuring broadband deployment. See, e.g., United States Government Accountability Office, *Broadband Deployment Is Extensive throughout the United States, but it is Difficult to Assess the Extent of Deployment Gaps in Rural Areas*, GAO-06-426 (May 2006) (“Based on our analysis, we believe that the use of subscriber indicators at the zip-code level to imply availability, or deployment, may overstate terrestrially based deployment.”)

²¹ See Pew Internet & American Life Project, *Home Broadband Adoption 2006*, May 28, 2006, available at: http://www.pewInternet.org/pdfs/PIP_Broadband_trends2006.pdf (finding that 42 percent of U.S. households had broadband Internet access as of March 2006).

no Internet access whatsoever. A significant number of U.S. adults report that they do not use the Internet at all - at home or elsewhere.²²

Very often, Americans without such access have certain things in common - they are more likely to have lower incomes and more likely to live in rural areas. The Department of Education reports that 59 percent of children from low-income homes do not use the Internet – approximately 20 percent more than the national average.²³ Fully 68 percent of households with annual incomes above \$75,000 subscribe to broadband, compared with only 21 percent of households with annual incomes below \$30,000.²⁴ The cost of broadband is a significant factor preventing widespread adoption of broadband where it is available.²⁵ There is a well-established and well-documented gap between broadband penetration in rural areas and the rest of the country.²⁶ An estimated 45 percent of urban and suburban residents are broadband subscribers, as compared with only 25 percent of rural Americans.²⁷ Redlining and cream-skimming also have contributed to the digital divide. Incumbent broadband providers concede that “firms in competitive markets always go after the most profitable customers first, yet market competition

²² See Pew Internet & American Life Project, *Internet Evolution: Internet Penetration and Impact* at 3 (Apr. 26, 2006), available at: http://www.pewInternet.org/pdfs/PIP_Internet_Impact.pdf (twenty-seven percent of adults surveyed do not use the Internet at all).

²³ See U.S. Department of Education: Institute of Education Sciences, *Computer and Internet Use by Students in 2003: Statistical Analysis Report*, Sept. 2003, available at <http://nces.ed.gov/pubs2006/2006065.pdf> at 62.

²⁴ See Pew Internet & American Life Project, *Home Broadband Adoption 2006*, May 2006, available at http://www.pewInternet.org/pdfs/PIP_Broadband_trends2006.pdf at 3.

²⁵ A recent report on broadband adoption and availability concludes that the cost of broadband is the key barrier to adoption by low-income Americans, relying upon a survey in which 45.7 percent of respondents without broadband Internet access reported that they would not subscribe to broadband because it is “too expensive.” See Free Press, *Broadband Reality Check II: The Truth Behind America's Digital Decline*, Aug. 2006, available at <http://www.freepress.net/docs/bbrc2-final.pdf> at 27-28 (citing Yankee Group, February 2006, as published at <http://www.emarketer.com/eStatDatabase/ArticlePreview.aspx?1003833>).

²⁶ See *id.* at ii.

²⁷ See *id.* at 3.

leads them to serve all customers over time without regard to income.”²⁸ Even if the broadband market could be characterized as “competitive,” the longstanding and discriminatory practice of offering delayed service or no service to low-income consumers is unacceptable.²⁹ Buildout requirements like those proposed by M2Z offer a backstop against the practice of redlining that typifies network deployment.

Within a matter of years, a free nationwide broadband network would substantially close the gap between those who can access broadband and those who are being left behind. In the time it would take for the Commission to award a license at auction, M2Z’s service could be deployed and available to 33-66 percent of the nation.³⁰

MMTC also urges the Commission to consider the effect of this proposal on the agency’s mandate to promote economic opportunity and competition, avoid the concentration of licenses, and disseminate licenses among a wide variety of applicants.³¹ As MMTC has often observed, the Commission’s auction process, in particular the designated entity program, has long been susceptible to manipulation by the nation’s largest wireless carriers who seek to thwart these goals and maintain market power by hoarding spectrum and forestalling competition.³² Auction of the spectrum M2Z proposes to use is therefore unlikely to spur broadband competition, as

²⁸ USTA Comments in MB Docket No. 05-311 (filed Feb. 13, 2006) (emphasis added).

²⁹ For these reasons, MMTC has urged the Commission not to preempt the rights of localities to impose anti-redlining obligations on multichannel video programming distributors. *See* MMTC Comments in MB Docket No. 05-311 (filed Feb. 13, 2006).

³⁰ *See* Application at 23 (proposing to cover 33-66 percent of the country’s population within three to five years following grant).

³¹ *See* 47 U.S.C. §309(j)(3)(B).

³² *See, e.g.,* MMTC Comments in WT Docket No. 05-211, at 5-7 (filed Feb. 24, 2006). In wireless Auctions 35 and 58, for example, the largest incumbent national wireless carriers entered into partnerships with DEs to win spectrum licenses that otherwise would not have been available to them under the Commission’s rules and despite having more than an 80 percent interest in their DE partners in some cases. *See id.*

incumbent service providers invariably will continue to seek to maintain their market power. The Commission should also consider ways to mitigate the public interest harms resulting from the lack of DE participation in first advanced wireless services (“AWS”) auction (Auction 66). Eleventh hour changes to the DE rules just prior to Auction 66 prevented meaningful participation by DEs, many of whom were left without financing options because of unanticipated changes to the rules.³³ The Commission should consider whether the public interest is better served by a process that favors incumbents, or by a process that can yield a new entrant that would provide true competition to incumbent carriers.

III. FREE BROADBAND WILL ALLOW SMALL AND DISADVANTAGED ENTREPRENEURS TO REAP THE REWARDS OF ELECTRONIC COMMERCE

As the information economy continues to grow in size and importance, the Internet has become a necessity for small businesses, including minority owned businesses, to remain competitive.³⁴ Small and independent businesses account for 99.7 percent of all businesses in America,³⁵ yet only 35 percent connect to the Internet via broadband. Fully 38 percent of small

³³ See *Petitioners’ Brief, Council Tree Comm., et al., Council Tree Comm., et al. v. FCC*, No. 06-2943 (3rd Cir., filed Sept. 6, 2006).

³⁴ Minority-owned firms are statistically more likely to be small businesses. See *SBA Office of Advocacy, Minorities in Business 2001*, November 2001, available at: <http://www.sba.gov/advo/stats/min01.pdf> at Table 16 (demonstrating that most minority-owned businesses have no employees, including 89 percent of Black-owned businesses, 83 percent of American Indian- and Alaska Native- owned, 82 percent of Hispanic-owned, and 68 percent of Asian- and Pacific-Islander-owned firms. Of firms with paid employees, almost all had fewer than 100 employees: 98.1 percent of those owned by non-minorities and about 99 percent of those owned by the various minority groups).

³⁵ The Office of Advocacy of the United States Small Business Administration (“SBA”) defines a small business an independent business having fewer than 500 employees. The SBA reports that such businesses represent 99.7 percent of all employer firms, employ half of all private sector employees, and pay more than 45 percent of total U.S. private payroll. Moreover, small businesses have generated 60 to 80 percent of net new jobs annually over the last decade. See *SBA Office of Advocacy, Frequently Asked Questions*, available at: <http://app1.sba.gov/faqs/faqindex.cfm?arealD=24> (viewed February 21, 2007).

businesses still use dial-up service, and 27 percent have no access at all.³⁶ For small and disadvantaged businesses, the cost of broadband access remains one of the major obstacles to participating in e-commerce. With limited budgets and resources, a \$50 or \$100 monthly bill for broadband access is simply not an option for many small business owners. A free, nationwide broadband Internet access service would extend the potential of e-commerce to all businesses.

Such a network also would significantly contribute to the success of small and disadvantaged businesses by bringing the cost of online advertising within reach of these companies. Currently, Internet advertising is limited by technology to national brands. If small business has a target audience that is highly localized (for example, a dry cleaning establishment), there is little incentive to place online advertisements that will be available in all 50 states. The technology that will be employed by M2Z would make it feasible for small, local businesses to advertise in a geographically-focused manner online. For example, using M2Z's network, a local hardware store or restaurant would be able to market directly to Internet users searching for businesses in their neighborhood. MMTC believes that this focused advertising service would be especially desirable to small and independent entrepreneurs that are generally locked out of this growing segment of our economy.

IV. M2Z'S BROADBAND NETWORK WILL PROMOTE THE DIVERSITY OF CONTENT AVAILABLE ON THE INTERNET

Among MMTC's top priorities is promoting higher levels of competition, diversity, and localism among media outlets. MMTC is particularly focused on increasing opportunities for minorities and women to own and operate media outlets.³⁷ The low levels of minority media

³⁶ See *SBA Office of Advocacy, A Survey of Small Businesses' Telecommunications Use and Spending*, March 2004, available at <http://www.sba.gov/advo/research/rs236tot.pdf> at 71.

³⁷ See, e.g., Diversity and Competition Supporters Comments in MB Docket 06-121 (filed Oct. 23, 2006).

ownership today are depriving viewers and listeners of the benefits of diverse entrepreneurial, managerial and creative talents.³⁸ MMTC advocates statutory and regulatory reforms to ensure that minority media ownership levels will ultimately reflect the true diversity of the U.S. population.

Some have observed that the Internet provides a unique opportunity to expand media diversity by allowing average citizens to take the reins. Rather than just consuming the information and entertainment offerings of large media outlets, the argument goes, Internet users have become their own publishers, record labels, video programming providers, and news outlets.³⁹ Although MMTC believes that sources of information and entertainment on the Internet are not yet substitutes for traditional media outlets, MMTC recognizes the potential for Internet content to contribute to the marketplace of ideas.

Unfortunately, not everyone is participating in this new exchange of information, entertainment, and ideas. The kind of Internet content that ultimately will compete with traditional media outlets is bandwidth intensive. It cannot be generated *or* received by the 58 percent of Americans who lack broadband Internet access and are on the other side of the digital divide. If the Internet is truly going to contribute to competition and diversity among media

³⁸ See, e.g., *Further Recommendation of the Consumer Advisory Committee Regarding 2006 Quadrennial Regulatory Review of the Commission's Media Ownership Rules* (adopted Nov. 3, 2006) (concluding that minority ownership of media outlets “promotes competition by ensuring that all sources of intellectual and creative capital are put to their highest use, and because an integrated industry serves the public better and thus competes more effectively than a segregated industry.”) See also United Church of Christ, *et al* Comments in MB Docket No. 06-121 (filed Oct. 23, 2006) (broadcast stations owned by minorities and women increase program diversity, deconstruct stereotypes, meet the needs of underserved viewers and listeners, enhance civic participation, and help remedy past discrimination).

³⁹ See, e.g., Fox Comments in MB Docket No. 06-121 (filed Oct. 23, 2006) at 14 (the Internet is a “democratizing technology”); Newspaper Association of America Comments in MB Docket No. 06-121 (filed Oct. 23, 2006) at 93 (the Internet provides myriad information sources which ensure that consumers have a wealth of local news options); National Association of Broadcasters Comments in MB Docket No. 06-121 at 35 (the Internet provides a “virtually unlimited” array of voices and is “as diverse as human thought”).

outlets, it must include the voices of all Americans and not exclude Americans with lower incomes and rural addresses.

The availability of free broadband Internet access would result in a dramatic change for the millions of Americans who are priced out of the current broadband marketplace—and are therefore priced out of the newest marketplace of information, entertainment, and ideas. In today's environment, the Commission should proceed along two tracks—enhancing diversity of ownership of traditional bricks-and-mortar media outlets, while expanding opportunities for diverse content delivered via podcasts, blogs, and Internet video sites.

V. CONCLUSION

MMTC urges the Commission to consider the full spectrum of potential benefits in making a public interest determination on the Application. The Application presents the Commission with an opportunity to advance a model of private sector initiative in diversity of management and ownership, spur minority ownership in the wireless and broadband industries, and ensure that Americans of all backgrounds and income levels can harness the power of broadband. Given this wide range of potential benefits, the Commission should act expeditiously to render its findings and conclusions and process the application.

Respectfully submitted,

David Honig

David Honig
Executive Director
Minority Media and Telecommunications Council
3636 16th Street, N.W.
Suite B-366
Washington, D.C. 20010
(202) 332-7005
dhonig@crosslink.net

March 1, 2007

CERTIFICATE OF SERVICE

I, David Honig, certify that, on this 1st day of March 2007, I caused to be served upon the parties listed below by e-mail (and will cause to be served by first class mail, postage prepaid, on March 2, 2007, the due date) a copy of the foregoing *Amicus* Comments of the Minority Media and Telecommunications Council:

Erin L. Dozier
Sheppard Mullin Richter & Hampton LLP
1300 I Street, NW
Eleventh Floor East
Washington, DC 20005
Counsel for M2Z Networks, Inc.

David Honig

David Honig