



**Minority Media &
Telecom Council**

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February 25, 2013

Hon. Julius Genachowski, Chairman
Hon. Robert McDowell, Commissioner
Hon. Mignon Clyburn, Commissioner
Hon. Ajit Pai, Commissioner
Hon. Jessica Rosenworcel, Commissioner

Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Dear Chairman Genachowski and Commissioners:

RE: **MB Docket No. 09-182 (2010 Quadrennial Review)**
MB Docket No. 07-294 (Diversity Proceeding)

The Minority Media and Telecommunications Council (“MMTC”) respectfully requests that the Commission briefly defer a vote in these dockets so that MMTC may conduct and provide the Commission with a study of whether, and to what extent, cross-ownership might have a material adverse impact on minority and women ownership.

MMTC has engaged BIA/Kelsey to conduct the study, which will be peer-reviewed and conducted in accordance with refereed journal standards. The study, to be undertaken at MMTC’s own expense,¹ will determine whether the presence of grandfathered newspaper-broadcast and radio-TV ownership operations materially harms minority and women-owned stations, taking into consideration the experiences of other stations in the same markets. The principal focus of the study will be the advertising marketplace, and the study will also inquire into whether cross-ownership has an adverse impact on minority and women owned stations’ ability to gather and present news and information. The study’s methodology is designed so that the final report should be completed, peer reviewed and submitted to the Commission for its consideration within eight weeks of today. In performing and processing the study, MMTC will exercise all possible expedition. MMTC has reached out to the leading cross-ownership supporters and opponents to seek their input on the study design.

If, upon review of the study, the Commission feels that it might be desirable to rely on the study when rendering its decision, MMTC would encourage the Commission to allow for an expeditious round of public comment on the study.

¹ See MMTC Ex Parte Letter, MB Docket No. 09-182 et al., February 20, 2013.

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The need for this research was anticipated in the Initial Comments of the Diversity and Competition Supporters, which includes MMTC as a member and as counsel.² Champions of civil rights have also urged the Commission to conduct research of this nature,³ and the Third Circuit has twice directed the Commission to consider the impact of its rules on minority ownership.⁴

MMTC hopes that its cross-ownership study will yield substantive and meaningful data and assist the Commission in tailoring its rules to maximize public interest benefits and avoid harm to underserved communities.

It is respectfully requested that the Commission adjust its calendar to enable this vital piece of evidence to come into the record for the agency's consideration.

Respectfully submitted,

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² See Initial Comments of the Diversity and Competition Supporters (“DCS”), MB Docket No. 09-182 et al., March 5, 2012, p. 43 (“DCS does not oppose relaxation of the cross-ownership rule so long as the rule, as applied, would not discourage or lead to a decrease in minority ownership.”)

³ See Letter of 44 Members of Congress (Rep. John Lewis et al.) to Hon. Julius Genachowski, MB Docket No. 09-182 et al., December 5, 2012 (“The FCC has a responsibility to fully analyze how this proposed rule change will affect the communities who have been denied an ownership stake in our media system for far too long.”); Letter of the Leadership Conference of Civil Rights, to Marlene H. Dortch, MB Docket No. 09-182 et al., February 14, 2013 (“We continue to prefer that the Commission study the impact of consolidation on ownership by women and people of color before it acts on broader media reform proposals.”)

⁴ See Prometheus Radio Project v. FCC, 652 F.3d 431, 472 (3d Cir. 2011) (“Prometheus II”) (stating that “[d]espite [the Court’s] 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.”); see also Prometheus Radio Project v. FCC, 373 F.3d 372, 420-421 (3d Cir. 2004) (“Prometheus I”).