



**Minority Media &  
Telecom Council**

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April 25, 2014

Ms. 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. 14-50 (2014 Quadrennial Regulatory Review); MB Docket No. 09-182 (2010 Quadrennial Regulatory Review); MB Docket No. 07-294 (Broadcast Diversity Proceeding); MB Docket 04-256 (JSA Attribution in Local Television Markets)

Dear Ms. Dortch:

This reports on a meeting held on April 22, 2014 with Gigi Sohn, Special Counsel for External Affairs and Maria Kirby, Legal Advisor for Media, Consumer and Governmental Affairs, and Enforcement in the Chairman's Office. Representatives from the Minority Media and Telecommunications Council ("MMTC") were David Honig, President and Dr. Nicol Turner-Lee, Vice President and Chief Policy and Research Officer. The overarching purpose of the meeting was to discuss the FCC's Designated Entity (DE) Program and the 2014 Quadrennial Proceeding.

During the meeting the following points were discussed:

- MMTC again urged the Commission to proactively find opportunities for DEs to participate in spectrum auctions and also stressed that the Commission should continue to

explore and promote opportunities available to DEs, especially minority-owned business in auctions and through secondary market transactions.<sup>1</sup>

- We shared our desire, and that of the Joint Letter supporters,<sup>2</sup> to advance diversity and competition and expressed a level of urgency, particularly due to the looming absence of DE incentives in the AWS-III Auction Rules.
- While MMTC appreciates the Commission’s actions to move the Quadrennial proceeding<sup>3</sup> forward and improve transparency among JSAs, MMTC believes that same transparency should be expected from SSAs.
- The Quadrennial FNPRM dismisses the majority of MMTC’s proposals in a footnote and completely disregards the existence of the Diversity Docket when it stated, “Other proposals involve cable operators and other non-broadcast services that are outside the scope of our quadrennial review proceedings. Although these proposals are accompanied by detailed and thoughtful analysis, *and some of them may warrant further consideration*, we believe they are outside the scope of this proceeding. Thus, we do not anticipate taking further action within this or successive quadrennial review dockets on these proposals because they extend beyond our statutory mandate under Section 202(h).”<sup>4</sup> For clarification, the Diversity Docket was designed to address proposals that might not fit within the scope of the media ownership review but serve to promote statutory diversity goals.<sup>5</sup> Thus, MMTC believes that the rejection of the proposals was a legal error that requires review and clarification.

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<sup>1</sup> 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).

<sup>2</sup> See Letter from Joint Supporters to FCC, WT Docket No. 05-211 et al. (March 7, 2014) (20 organizations signed a letter supporting the recommendations issued in MMTC White Paper).

<sup>3</sup> See *2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 14-50 et al. (rel. April 15, 2014) (“Quadrennial FNPRM”).

<sup>4</sup> Quadrennial FNPRM at ¶317 (emphasis added)(internal citations omitted). *But see* Promoting Diversification of Ownership in the Broadcasting Services, MB Docket No. 07-294 (“Diversity Docket”).

<sup>5</sup> See e.g. 47 U.S.C. §§151, 257.

Marlene Dortch  
Federal Communications Commission  
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Honig". The signature is written in a cursive style with a large initial "D" and "H".

David Honig  
President, MMTC