In the Matter of
MusicFIRST Coalition Petition Regarding The Actions Of Certain Radio Broadcasters In Opposition To The Performance Rights Act
MB Docket No. 09-143

To The Chief, Media Bureau

COMMENDS OF THE MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL

The Minority Media and Telecommunications Council ("MMTC") respectfully submits these comments in response to the Media Bureau’s Public Notice seeking comment on MusicFIRST Coalition's ("MusicFIRST") Request for Declaratory Relief. MMTC opposes MusicFIRST’s request.

Whether or not the Commission has the authority to direct broadcasters to air particular advertisements, we would caution that many broadcasters, in good faith, regard MusicFirst’s arguments as inherently misleading both because of what MusicFirst’s advertisements say and because of what they conspicuously do not say.

1 These Comments reflects the institutional views of MMTC and is not intended to reflect the views of individual MMTC officers, directors or advisors.


3 Request for Declaratory Relief, MusicFIRST Coalition (filed June 9, 2009) ("MusicFIRST Petition").

4 Cf. Elimination of Unnecessary Broadcast Regulation, 57 RR2d 913 (1985) (broadcasters may refuse to air advertisements that may be deceptive).

5 To give one example, MusicFIRST asserts that broadcasters are “making the false claim that legislative hearings on the pending Performance Royalty legislation ‘did not have any black ownership representation.’” MusicFIRST Petition at 7 (citing Declaration of Jennifer L. Bendall at ¶ 8). The testimony of Charles Warfield cited by MusicFIRST was presented during a July 2007 hearing – over sixteen months before the pending legislation was introduced.

6 MMTC has conservatively estimated that H.R. 848 and S.379 would throw at least one-third of minority owned stations over the cliff into bankruptcy. The National Association of Media Brokers ("NAMB") agrees, adding that “the imposition of a performance royalty on over-the-air broadcast stations will be crippling to the broadcast industry in general, and be particularly
The best way for the Commission to advance consumers’ access to information is to promote ownership and employment diversity, rather than regulating content. Several diversity matters are long-pending,7 and MMTC encourages the Commission to address them.

Respectfully submitted,

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