

From: [Benjamin Arden](#)
To: [Hillary DeNigro](#); [Martha Heller](#); [Julie Salovaara](#); [Brendan Holland](#); [Jamilia-Bess Johnson](#); [Alexis Zayas](#); [Judith Herman](#); [Ty Bream](#)
Subject: 2010 Quad Ownership Docket Update: 1/18 - 1/24
Date: Friday, January 24, 2014 4:53:46 PM
Attachments: [LCCHR Ex Parte Notice 1 15 14.pdf](#)

Notice of Ex Parte Meeting – LCCHR et al. (Jan. 15, 2014)

Meeting with staff from Commissioner Clyburn’s office to discuss the public interest groups support for the ongoing CIN studies. The groups hope that the full studies will be funded and completed in 2014. The groups also believe that the studies and data in the quadrennial review record do not support any additional consolidation. Non-Responsive to Request

[Redacted]

Benjamin D. Arden
Attorney Advisor
Media Bureau, Industry Analysis Division
Federal Communications Commission
445 12th Street, SW
Room 2-C231
Washington, DC 20554
Phone: 202.418.2605

** For Official Use Only **



January 17, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* disclosure pursuant to 47 CFR § 1.1206(b) in MB Docket No. 09-182, MB Docket No. 07-294, BO Docket No. 12-30; GN 12-268

Dear Ms. Dortch:

On January 15, the following individuals met with Adonis Hoffman and Stefanie Frank in Commissioner Clyburn's office: Corrine Yu, The Leadership Conference on Civil and Human Rights; Cheryl Leanza, United Church of Christ, OC Inc.; Hazeen Ashby, National Urban League; Edward Carlson, National Council of La Raza; Jason Lagria, Asian Americans Advancing Justice | AAJC; Todd O'Boyle, Common Cause; and Olivia Wein, National Consumer Law Center.

The group thanked Commissioner Clyburn for her long-standing support for the Critical Information Needs Section 257 studies. We encouraged the Commissioner and her staff to ensure that the current test of the research protocol is finished on time and to help support funding for the full study to be completed by the end of 2014. We explained that we did not feel that the current record in the Quadrennial Review is sufficient for the Commission to approve further consolidation. Only studies of the caliber of the CIN studies would be sufficient to meet the long-standing gap in the Commission's knowledge base. We noted that neither the MMTTC study nor the 323 data released last year were sufficient. UCC OC Inc. and Common Cause emphasized their concern, along with the strong concern of Communications Workers of America and National Organization for Women, with Joint Services Agreements and Shared Services Agreements, which permit broadcasters to avoid complying with existing ownership limits and reduce the number of working journalists.

In addition, we noted the upcoming incentive auction has already had a devastating impact on diverse broadcast ownership, as many broadcast owners of color have already sold their stations to private equity firms. We strongly urged the Commission to make a more accurate count of the impact of the auction on broadcast diversity. We also encouraged the Commissioner to find ways to increase participation in the forward looking auction by women and entrepreneurs of color.

Officers
Chair
Judith L. Lichtman
National Partnership for
Women & Families
Vice Chairs
Jacqueline Pata
National Congress of American Indians
Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund
Hilary Shelton
NAACP
Secretary
Barry Rand
AARP
Treasurer
Lee A. Saunders
American Federation of State,
County & Municipal Employees

Executive Committee
Barbara Amwine
Lawyers' Committee for
Civil Rights Under Law
Arlene Holt Baker
AFL-CIO
Warren David
American-Arab
Anti-Discrimination Committee
Marcia D. Greenberger
National Women's Law Center
Chad Griffin
Human Rights Campaign
Linda D. Hallman
American Association of
University Women
Mary Kay Henry
Service Employees International Union
Sherilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
Benjamin Jealous
NAACP
Michael B. Keegan
People for the American Way
Bob King
International Union, UAW
Elisabeth MacNamara
League of Women Voters of the
United States
Marc Morial
National Urban League
Mee Moua
Asian Americans Advancing Justice |
AAJC
Janet Murguia
National Council of La Raza
Debra Ness
National Partnership for
Women & Families
Terry O'Neill
National Organization for Women
Priscilla Ouchida
Japanese American Citizens League
Mark Perriello
American Association of
People with Disabilities
Anthony Romero
American Civil Liberties Union
David Saperstein
Religious Action Center
of Reform Judaism
Shanna Smith
National Fair Housing Alliance
Dennis Van Roekel
National Education Association
Randi Weingarten
American Federation of Teachers

Compliance/Enforcement
Committee Chair
Michael Lieberman
Anti-Defamation League
President & CEO
Wade J. Henderson
Executive Vice President & COO
Karen McGill Lawson



We provided Mr. Hoffman with several copies of previously-filed comments in this docket.¹ All thanked Mr. Hoffman for his time and offered our support and assistance to the Commissioner and her staff. If you would like to follow up on any of the above issues, please contact Corrine Yu, Leadership Conference Managing Policy Director at 202-466-5670 or yu@civilrights.org or Cheryl Leanza at cleanza@alhmail.com or 202-904-2168.

Sincerely,

Cheryl A. Leanza
Policy Advisor, United Church of Christ, OC Inc.
Co-Chair, Leadership Conference on Civil and Human Rights,
Media and Telecommunications Task Force

¹ [Leadership Conference Quadrennial Review Comments \(Mar. 5, 2012\)](#); [Leadership Conference 323 Data Comments](#) (December 26, 2012); [Leadership Conference Letter to Chairman Genachowski](#) (April 9, 2013); Leadership Conference [Critical Information Needs Study Comments](#) (July 26, 2013).

From: [Benjamin Arden](#)
To: [Hillary DeNigro](#); [Brendan Holland](#); [Martha Heller](#); [Judith Herman](#)
Cc: [Julie Salovaara](#); [Alexis Zayas](#); [Jamila-Bess Johnson](#)
Subject: 2010 Quad Ownership Docket Update: 11/16 - 11/22
Date: Friday, November 22, 2013 4:17:55 PM
Attachments: [Free Press Ex Parte Attachment 11 19 13.pdf](#)
[Free Press Ex Parte 11 19 13.pdf](#)
[NHMC ex parte notice 11 18 13.pdf](#)

Notice of Ex Parte Meeting – NHMC (Nov. 18, 2013)

Meeting with Chairman Wheeler and staff to discuss, among other issues, NHMC's opposition to any relaxation of the media ownership limits, support for study of the potential impact of relaxation on ownership diversity, and support for the OCBO critical information needs studies.

Notice of Ex Parte Meeting – Free Press (Nov. 19, 2013)

Non-Responsive to Request

A large rectangular area of the document is completely redacted with black bars, obscuring several lines of text.

Benjamin D. Arden
Attorney Advisor
Media Bureau, Industry Analysis Division
202.418.2605

** Non-Public: For Internal Use Only **



November 18, 2013

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation: WC Docket No. 10-222; WC Docket No. 13-184; WC Docket No. 11-42; WC Docket No. 03-109; CC Docket No. 96-45; Docket No. 12-268; MB Docket No. 09-182; MB Docket No. 07-294; BO Docket No. 12-30.

Dear Ms. Dortch:

On Thursday, November 14, 2013, Alex Nogales, President & CEO, Jessica Gonzalez, Executive Vice President & General Counsel, Michael Scurato, Policy Director, and Brian Pacheco, Social Media and Communications Strategist, of the National Hispanic Media Coalition ("NHMC") met with Chairman Wheeler and Gigi Sohn, Special Counsel for External Affairs, of the Federal Communications Commission ("Commission" or "FCC"). The purpose of the meeting was to provide the Chairman and staff with an introduction to NHMC's work and the proceedings referenced above were discussed.

During the meeting, the NHMC representatives outlined a number of priorities to the Chairman and Ms. Sohn:

Regarding the upcoming incentive auctions, NHMC communicated the belief that the auctions could drive down the number of people of color and women that own broadcast television licenses, both through pressure to participate or to sell to spectrum speculators. In the case of LPTV stations, which are an entry point for people of color and receive no protection during and after the auction, many may be forced off the air with no compensation or recourse. NHMC urged the FCC to be ready to deal with the impact that the incentive auctions will have on ownership diversity by monitoring the ownership attributes of broadcast outlets that exit the market leading up to and during the auction. The data collected should be used to prepare and release a report on the impact of the auction on ownership of spectrum licenses by woman and people of color. Finally, the Commission should consider creative ways, which are consistent with the ordering statute, to protect LPTV stations that are providing important service to their communities.

Regarding the Commission's 2010 Quadrennial Regulatory Review of Broadcast Ownership Rules, NHMC stated a belief that strong media ownership rules are an effective, race-neutral

NHMC Headquarters 55 South Grand Ave Pasadena, CA 91105 626 792 6462
Washington, DC Office 1825 K St NW, Suite 400 Washington, DC 20006 202 596 2063
info@nhmc.org www.nhmc.org

From: [Benjamin Arden](#)
To: [Hillary DeNigro](#); [Brendan Holland](#); [Martha Heller](#); [Judith Herman](#)
Cc: [Julie Salovaara](#); [Alexis Zayas](#); [Jamilia-Bess Johnson](#)
Subject: 2010 Quad Ownership Docket Update: 11/23 - 12/2
Date: Monday, December 02, 2013 9:25:11 AM
Attachments: [ACA Ex Parte Letter 11 26 13.pdf](#)
[UCC Ex Parte Notice 11 22 13.pdf](#)
[Common Cause Ex Parte Notice 11 22 13.pdf](#)

Notice of Ex Parte Meeting – Common Cause (Nov. 22, 2013)

Meeting with Chairman Wheeler and staff to discuss, among other issues, Common Cause’s support for the financing and timely execution of the OCBO Critical Information Needs studies.

Notice of Ex Parte Meeting – UCC (Nov. 22, 2013)

Meeting with Chairman Wheeler and staff to discuss, among other issues, UCC’s position that the Commission cannot relax any media ownership rules until it studies the impact on ownership diversity. NHMC believes that the Critical Information Needs studies would help further this obligation and that the release of ownership data did not meet the Commission’s obligation.

Notice of Ex Parte Meeting – ACA (Nov. 26, 2013)

Non-Responsive to Request

A large black rectangular redaction box covers the majority of the page content below the 'Notice of Ex Parte Meeting – ACA' header. The text 'Non-Responsive to Request' is visible at the top left of this redacted area.

Benjamin D. Arden
Attorney Advisor
Media Bureau, Industry Analysis Division
202.418.2605

** Non-Public: For Internal Use Only **

November 22, 2013



Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: MB Dkt. No. 09-182; MB Dkt. No. 07-294; BO Docket No. 12-30; WC Docket No. 11-42; WC Docket No. 12-375; GN Docket No. 13-5; GN Docket No. 12-353; MM Docket No. 00-168; MM Docket No. 00-44; GN Docket 10-127; MM Docket 99-25

Dear Ms. Dortch:

I write to submit for the record the priorities of the United Church of Christ, OC Inc. as Chairman Wheeler begins his term leading the Commission. I highlighted one issue on the attached list in a meeting Tuesday with Chairman Wheeler and a number of his staff, including Ruth Milkman, Gigi Sohn, Maria Kirby, Bill Lake, Roger Sherman, Daniel Alvarez, Renee Gregory, and Diane Cornell.

Specifically I highlighted that UCC OC Inc. supports the position of the Leadership Conference and Civil Rights Task Force on Media and Telecommunications that the Commission cannot move to relax media ownership limits until it has completed a thorough review of the impact of those rules on women and people of color as directed by the U.S. Court of Appeals for the Third Circuit. I noted that the pending Critical Information Needs research protocol—while broader than broadcast media—would go a long way toward meeting the Commission’s obligation in the 2010 Quadrennial Review. I noted that the Commission’s release of broadcast ownership data at the end of last year emphatically did not meet that obligation and that the Commission has not yet looked into the impact of private sector transactions on diversity of ownership—particularly those that have occurred in preparation for the forthcoming incentive auctions.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl A. Leanza".

Cheryl A. Leanza
Policy Advisor, United Church of Christ, OC Inc.

Enclosure



- 1. Complete Critical Information Needs studies and look at the impact of spectrum auctions on broadcast ownership diversity before making any decision to consolidate media in the quadrennial review docket.** As outlined in [detail](#) in this Leadership Conference filing, the FCC has been remiss in collecting data about the impact of media consolidation on communities of color and women for more than 15 years. The existing 323 data remains inadequate. As such, because of the Third Circuit's decision in *Prometheus v. FCC*, the FCC cannot make a decision to consolidate the broadcast media without completing a thorough and complete analysis of the media ecosystem's ability to meet the needs of historically underserved communities. Moreover, the Commission has thus far taken little action to look at the impact of the upcoming incentive auctions on ownership rates by women and people of color.
- 2. Maintain and strengthen open Internet rules; protect communities during the IP transition.** As [described](#) in a National Council of Churches resolution and letter from UCC OC Inc. Board member, an open internet is critical for all noncommercial speech, including religious speech. The FCC's decision in 2010 was a partial victory, but did not go far enough. In particular, it did not adequately protect mobile platforms, which are used predominately by people of color. UCC OC Inc. supports full protection for all communities during the IP transition.
- 3. Expand broadband adoption to all people.** Ninety million people do not use broadband at home. The FCC must rapidly complete its pilot projects considering expansion of Lifeline to broadband and must protect Lifeline even as it expands the e-rate program in accordance with the President's ConnectED initiative. Existing corporate philanthropic efforts, such as Internet Essentials and Connect 2 Compete are commendable, but inadequate to address the need. Broadband adoption should be addressed in collaboration with other agencies.
- 4. Improve systems to hold broadcasters accountable and rapidly process LPFM applications.** As a proud member of the Public Interest Public Airwaves Coalition, UCC OC Inc. encourages the FCC to complete the broadcast enhanced disclosure docket and continue implementation of online public files. The FCC should end the backlog of actions on broadcast license renewals. UCC OC Inc. has petitions to deny still pending from 2004. Case-by-case decision-making in license renewals is a useful and incremental way to give meaning to the FCC's rules, particularly those protecting children. The just-completed LPFM window should move rapidly to granting construction permits.
- 5. Fully defend and aggressively enforce the inmate calling services order.** UCC OC Inc. was very pleased with the Commission's action this year on the inmate calling services item. We look forward to the Commission's defense of the decision in court and its aggressive enforcement of the decision. In particular, we hope the Commission will take steps to ensure that the complaint process is accessible for the families that have been paying egregiously high telephone rates for so long.



November 22, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
455 – 12th St., SW
Washington, DC 20554

RE: In the Matter of Technology Policy Task Force Regarding Critical Information Needs Studies, BO Docket No. 12-30; 2010 Quadrennial Review, MB Docket No. 09-182; Diversification of Ownership in the Broadcasting Services, MB Docket No. 07-294; In the matter of amendment of 47 CFR §73.1212 regarding sponsorship identification.

Dear Ms. Dortch:

On November 19th, I joined representatives of other public interest and civil rights groups for a meeting with Chairman Wheeler and members of his staff, including: Ruth Milkman, Gigi Sohn, Philip Verveer, Maria Kirby, Bill Lake, Roger Sherman, Daniel Alvarez, Rene Gregory, and Diane Cornell.

In communications with Gigi Sohn I highlighted two of Common Cause's priorities, as referenced in the above-listed matters. Specifically, I explained that Common Cause prioritizes the full funding, and timely execution of the Critical Information Needs studies, as well as requiring fuller sponsorship identification using the Commission's authority in Section 317 of the Communications Act.

Respectfully,

Todd O'Boyle
Program Director
Common Cause
toboyle@commoncause.org

way to provide greater opportunity for people of color and women to own broadcast outlets and otherwise promote competition. To that end, NHMC does not believe that the Commission can or should move forward with proposals to relax certain ownership rules that were previously circulated but never voted on by Commission leadership. At the very least, the Commission should maintain current rules pending additional studies of the impact of relaxation on diverse owners. Further, the Commission should fully fund the “critical information needs of communities” studies proposed by the Office of Communications Business Opportunities so that the entire, multi-market framework can be implemented.

And, finally, NHMC discussed the future of the Lifeline and E-Rate programs administered through the Universal Service Fund (“USF”). NHMC explained that it is a strong supporter of the Lifeline program and that NHMC hopes that the program will be extended to standalone broadband service so that eligible consumers can choose to apply their benefit to the type of service that they need the most. With respect to E-Rate, NHMC is pleased that President Obama's ConnectED Initiative tasks the Department of Education with increasing technology professional development opportunities available to teachers and hopes that the FCC will collaborate on that process. Further, NHMC believes that enhanced wireless hotspots that emanate from E-Rate institutions could be helpful to students that lack broadband access at home, allowing them to connect after school hours. NHMC does not support using "Lifeline savings" to increase the cap on the E-Rate program. Finally, NHMC believes that existing USF programs will benefit from analysis and public release of data collected during pilot programs, such as the on-going Lifeline Broadband pilot and the Learning On-The-Go pilot conducted in 2011.

I submit this letter today pursuant to Section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b). Please contact me should you have any questions regarding this submission.

Respectfully submitted,

Michael J. Scurato
Policy Director
(202) 596-5711

cc: Chairman Tom Wheeler
Gigi Sohn

From: [Benjamin Arden](#)
To: [Hillary DeNigro](#); [Brendan Holland](#); [Martha Heller](#); [Judith Herman](#)
Cc: [Julie Salovaara](#); [Alexis Zayas](#); [Jamila-Bess Johnson](#)
Subject: 2010 Quad Ownership Docket Update: 12/3 - 12/6
Date: Friday, December 06, 2013 5:54:12 PM
Attachments: [DirecTV Ex Parte 12 3 13.pdf](#)
[Free Press Ex Parte Notice 12 3 13.pdf](#)
[LCCHR Ex Parte 12 3 13.pdf](#)
[Free Press Ex Parte 12 3 13.pdf](#)
[Free Press Ex Parte Attachment 12 3 13.pdf](#)
[Mediacom Ex Parte Letter 12 2 13.pdf](#)

Written Ex Parte Letter – Mediacom (Dec. 2, 2013)

Non-Responsive to Request
[Redacted]

Written Ex Parte Letter – Free Press (Dec. 3, 2013)

Non-Responsive to Request
[Redacted]

Notice of Ex Parte Meeting – LCCHR (Dec. 3, 2013)

Meeting with Maria Kirby to discuss minority and female ownership issues. LCCHR supports increased data collection on the impact of consolidation on minority and female ownership and does not believe the record in the 2010 quadrennial review proceeding satisfies what it considers to be the court’s mandate in *Prometheus II*. LCCHR believes that the Critical Information Needs studies are a mechanism for obtaining such data.

Notice of Ex Parte Meeting – LCCHR (Dec. 3, 2013)

Non-Responsive to Request
[Redacted]

Notice of Ex Parte Meeting – DirecTV (Dec. 3, 2013)



December 5, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* disclosure pursuant to 47 CFR § 1.1206(b) in MB Docket No. 09-182, MB Docket No. 07-294, BO Docket No. 12-30; GN Docket 13-5

Dear Ms. Dortch:

On December 3, 2013 the following individuals, who represent members of The Leadership Conference on Civil and Human Rights Media and Telecommunications Task Force, met in separate meetings with Jonathan Sallet and Maria Kirby of Chairman Wheeler's office. Attending the meeting with Ms. Kirby were: Corrine Yu, The Leadership Conference on Civil and Human Rights; Gabe Rottman, American Civil Liberties Union, Task Force Co-Chair; Cheryl Leanza, United Church of Christ, OC Inc., Task Force Co-Chair; Chanelle Hardy and Sean Mickens, National Urban League; Hilary Shelton, NAACP; Jessica Gonzalez, National Hispanic Media Coalition (by telephone); Todd O'Boyle, Common Cause; and Edward Carlson, National Council of La Raza. All of the above were joined by Olivia Wein, National Consumer Law Center and Debbie Goldman, Communications Workers of America in the meeting with Mr. Sallet.

With Mr. Sallet, we reviewed the attached letter submitted by the Task Force in this docket. We emphasized that many of the communities continue to undersubscribe to broadband. We urged the Commission to obtain detailed, transparent and independent data on communities of color, women and people with disabilities in any trial so that we can track how those communities fare during the transition. Because consumers rely on this technology, consumers must have a means to seek redress when the unexpected occurs during and after the transition. We urged the Commission to ensure that multi-lingual and culturally sensitive outreach is used. We noted that during the DTV transition, significant resources were expended to educate the public. Ms. Goldman noted, in particular, that a technology transition should not be used as an excuse to eliminate unionized jobs or move jobs overseas.

In our meeting with Ms. Kirby we expressed our interest in working closely with the Chairman as he develops his agenda, and shared with her several of our filings.¹

Officers
Chair
Judith L. Lichtman
National Partnership for
Women & Families
Vice Chairs
Jacqueline Pata
National Congress of American Indians
Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund
Hilary Shelton
NAACP
Secretary
Barry Rand
AARP
Treasurer
Lee A. Saunders
American Federation of State,
County & Municipal Employees

Executive Committee
Barbara Amwine
Lawyers' Committee for
Civil Rights Under Law
Arlene Holt Baker
AFL-CIO
Warren David
American-Arab
Anti-Discrimination Committee
Marcia D. Greenberger
National Women's Law Center
Chad Griffin
Human Rights Campaign
Linda D. Hallman
American Association of
University Women
Mary Kay Henry
Service Employees International Union
Sherrilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
Benjamin Jealous
NAACP
Michael B. Keegan
People for the American Way
Bob King
International Union, UAW
Elisabeth MacNamara
League of Women Voters of the
United States
Marc Morial
National Urban League
Mee Moua
Asian Americans Advancing Justice |
AAJC
Janet Murguia
National Council of La Raza
Debra Ness
National Partnership for
Women & Families
Terry O'Neill
National Organization for Women
Priscilla Ouchida
Japanese American Citizens League
Mark Perriello
American Association of
People with Disabilities
Anthony Romero
American Civil Liberties Union
David Saperstein
Religious Action Center
of Reform Judaism
Shanna Smith
National Fair Housing Alliance
Dennis Van Roekel
National Education Association
Randi Weingarten
American Federation of Teachers

Compliance/Enforcement
Committee Chair
Michael Lieberman
Anti-Defamation League
President & CEO
Wade J. Henderson
Executive Vice President & COO
Karen McGill Lawson

¹ We shared the following documents with Ms. Kirby: Leadership Conference Media Ownership [Comments](#) (filed March 5, 2012); Leadership Conference Ex Parte [Letter](#) on Media Ownership Data (filed December 5, 2012); Leadership Ownership Data [Comments](#) (filed Dec. 26, 2013); and UCC OC Inc., NOW, CWA, Common Cause, *et al.* Ownership Data [Comments](#) (filed Dec. 26, 2013).



Communities of color and women should have opportunities to control the distribution and creation of images about themselves. We look forward to working with the Chairman to consider the variety of technologies and policy initiatives that would accomplish that objective. We emphasized the importance of collecting data that tracks the impact of media consolidation on women and people of color, as mandated by the Third Circuit Court of Appeals in *Prometheus v. FCC*. We noted that it is our view that the Commission does not yet have adequate data to make a decision in the Quadrennial Review. We expressed our support for the Section 257 Critical Information Needs studies as a mechanism to obtain such data, and encouraged the Commission to move ahead with the effort, paying special attention to its ability to assess the needs of linguistic minorities.

The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. In both meetings we noted that Leadership Conference filings reflect a carefully crafted consensus position among our member organizations. We encouraged Commission staff to reach out to us with regard to any issues relating to the civil rights community.

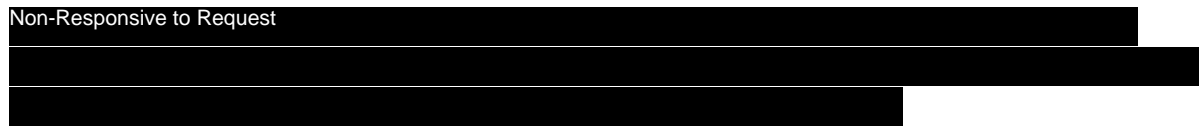
Please contact Leadership Conference Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, United Church of Christ, OC Inc., at 202-841-6033, Gabe Rottman, ACLU, at 202-675-2325, or Corrine Yu, Leadership Conference Managing Policy Director at 202-466-5670, if you would like to discuss the above issues or any other issues of importance to The Leadership Conference.

Sincerely,



Cheryl A. Leanza
Policy Advisor, United Church of Christ, OC Inc.
Co-Chair, Leadership Conference on Civil and Human Rights,
Media and Telecommunications Task Force

Non-Responsive to Request

The text "Non-Responsive to Request" is followed by three thick black horizontal bars that redact the content of the document. The first bar is the longest, the second is slightly shorter, and the third is the shortest.

Benjamin D. Arden
Attorney Advisor
Media Bureau, Industry Analysis Division
202.418.2605

** Non-Public: For Internal Use Only **

From: [Benjamin Arden](#)
To: [Hillary DeNigro](#); [Martha Heller](#); [Julie Salovaara](#); [Brendan Holland](#); [Jamila-Bess Johnson](#); [Alexis Zayas](#); [Judith Herman](#); [Ty Bream](#)
Subject: 2010 Quad Ownership Docket Update: 2/1 - 2/7
Date: Friday, February 07, 2014 3:01:34 PM
Attachments: [UCC et al Ex Parte Notice 2 3 14.pdf](#)
[NAB Ex Parte Notice 2 4 14 O'Rielly.pdf](#)
[NAB Ex Parte Notice 2 4 14 Clyburn.pdf](#)
[NAB Ex Parte Notice 2 4 14 Chairman and MB.pdf](#)
[NAB Ex Parte Notice 2 4 14 Rosenworcel.pdf](#)
[NAB Ex Parte Notice 2 4 14 Pai.pdf](#)
[NAB Ex Parte Notice 2 3 14 Chairman et al.pdf](#)
[NAB Ex Parte 1 30 14 O'Rielly.pdf](#)
[Sinclair Ex Parte Notice 2 5 14 Wheeler.pdf](#)
[Sinclair Ex Parte Notice 1 31 14 O'Rielly and Pai.pdf](#)

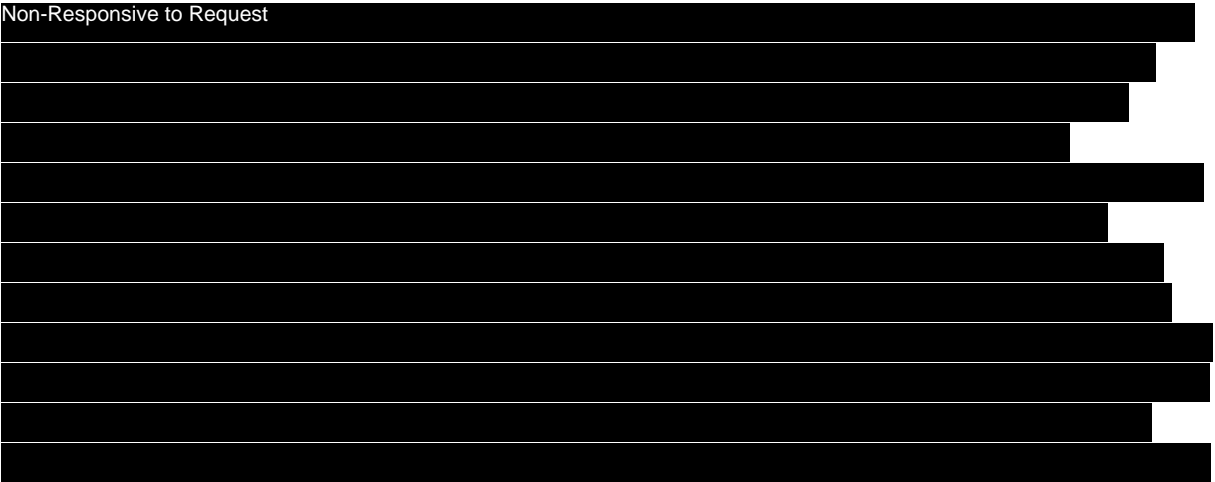
Notice of Ex Parte Meeting – Sinclair (Jan. 31 & Feb. 5, 2014)

Non-Responsive to Request



Notice of Ex Parte Meeting – NAB et al. (Jan. 30 & Feb. 3-4, 2014)


Non-Responsive to Request



Notice of Ex Parte Meeting – UCC et al. (Feb. 3, 2014)

UCC et al.'s belief that (1) *Prometheus II* requires the Commission to determine the impact on minority and female ownership of any proposed relaxation of the media ownership rules; (2) the current record is insufficient for such purposes, with particular criticism of the 323 data; (3) only a study similar to that of the CIN study would be adequate; and (4) the Commission should ultimately attribute JSAs and SSAs and, in the short term, tentatively conclude that SSAs are contrary to the goals of the ownership rules and put parties on notice that such agreements may be required to be unwound in the future.

Non-Responsive to Request



Benjamin D. Arden
Attorney Advisor
Media Bureau, Industry Analysis Division
Federal Communications Commission
445 12th Street, SW
Room 2-C231
Washington, DC 20554
Phone: 202.418.2605

** For Official Use Only **



GEORGETOWN LAW
INSTITUTE FOR PUBLIC REPRESENTATION

Hope M. Babcock
Angela J. Campbell
Brian Wolfman
Directors
Thomas M. Gremillion
Justin Gundlach
Anne W. King
Aaron Mackey*
Eric Null**
Staff Attorneys

600 New Jersey Avenue, NW, Suite 312
Washington, DC 20001-2075
Telephone: 202-662-9535
Fax: 202-662-9634

February 5, 2014

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
455 12th St, SW
Washington, DC 20554

Re: 2010 Quadrennial Regulatory Review, MB Docket No. 09-182; *Diversification of Ownership in the Broadcasting Services*, MB Docket No. 07-294; and *Critical Information Needs Studies*, BO Docket No. 12-30

Dear Ms. Dortch:

Pursuant to section 1.1206(b) of the Commission's rules, this letter provides notice regarding an *ex parte* communication in the above referenced proceedings.

On February 3, 2014, Cheryl Leanza from the Office of Communication, Inc. of the United Church of Christ ("UCC OC Inc."), as well as Angela Campbell and law student Catherine Yang from the Institute for Public Representation ("IPR"), which is counsel to UCC OC, Inc., met with Maria Kirby, Legal Advisor for Media in Chairman Wheeler's office.

The purpose of the meeting was to discuss some issues in the 2010 Quadrennial Review. UCC OC Inc. presented three main points.

First, UCC OC Inc. reiterated its position that the Commission, in accordance with the Third Circuit's clear instruction in *Prometheus II*, must conduct analysis of the

*Admitted to the California bar only; **Admitted to the New York bar only;
DC bar memberships pending. Practice supervised by members of the DC bar.

impact of its media ownership rules on women and people of color before it takes any action to relax those rules.¹

UCC OC Inc. emphasized that the current record is inadequate, both to meet the court's mandate and also inadequate as a substantive matter. The 323 data collection process, for example, did not produce an adequate dataset because the data is incomplete and is not organized in any meaningful fashion that illustrates the impact of rule changes.² Moreover, the Commission has failed to conduct any analysis of the 323 data. UCC OC Inc. encouraged the Commission to analyze whether its rule changes would contravene the goals of diversity and localism. Additionally, because two years have passed since the last 323, UCC OC Inc. urged the Commission to examine how the data has changed and to organize that information in a way that is both accessible and usable.

Second, UCC OC Inc. explained that only a data collection of the intensity of the Critical Information Needs studies would be adequate. Because these studies are broader than, but include, broadcasting, we anticipate that they would most accurately portray the adequacy of the current media ecosystem. UCC OC Inc. expressed its desire for a clear commitment by the Commission that, upon completion of the current pilot, the new studies will receive full funding and commence promptly and that the Commission would base its decisions in the 2010 or 2014 Quadrennial review using that data.

Third, UCC OC Inc. reiterated its frustration over the issue of JSAs and SSAs and recommended that the Commission attribute such arrangements in the 2010 Review.³ The concern is two-fold. First, SSAs cut at the heart of the Commission's goals for content that promotes diversity and localism. Moreover, there appear to be internal triage guidelines that are not publicly available, but are known only by broadcasters and the Media Bureau. This lack of transparency is problematic. Furthermore, UCC

¹ The Third Circuit has unequivocally noted that:

[d]espite our 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. . . . [T]he Commission appears yet to have gathered the information required to address these challenges, which it needs to do in the course of its review already underway. As ownership diversity is an important aspect of the overall media ownership regulatory framework, we re-emphasize that the actions required on remand should be completed within the course of the Commission's 2010 Quadrennial Review of its media ownership rules.

Prometheus Radio Project v. FCC ("Prometheus II"), 652 F.3d 431, 471-72 (3d Cir. 2011).

² See Comments of UCC et al., at 10-16 (Dec. 26, 2012).

³ See Comments of UCC et al., at 1 (Mar. 5, 2012).

OC Inc. expressed concern that Commission inaction on this issue invites broadcasters to quickly usher through as many of these arrangements as possible and then, in the event of later Commission action, to grandfather in the transactions, creating perverse incentives. To address this concern, UCC OC Inc. suggested that the Commission make a tentative finding that SSAs undermine the goals of the ownership rules and that it provide notice of action, subjecting parties to possible unwinding of their arrangements.

Respectfully submitted,
/s/ Angela J. Campbell
Institute for Public Representation
Georgetown Law
600 New Jersey Avenue, NW
Washington, DC 20001
(202) 662-9535
Counsel for UCC OC Inc.

cc: Maria Kirby

From: [Benjamin Arden](#)
To: [Alexis Zayas](#); [Hillary DeNigro](#); [Martha Heller](#); [Julie Salovaara](#); [Brendan Holland](#); [Jamila-Bess Johnson](#); [Judith Herman](#); [Ty Bream](#)
Subject: 2010 Quad Ownership Docket Update: 3/1 - 3/7
Date: Friday, March 07, 2014 2:21:02 PM
Attachments: [IPR et al. Ex Parte Notice 3 6 14.pdf](#)
[IPR et al. Ex Parte Notice 3 3 14.pdf](#)
[ACA Ex Parte Letter 3 6 14.pdf](#)
[LIN Ex Parte Notice 2 28 14.pdf](#)
[California Broadcasters Association Ex Parte Notice 2 26 14.pdf](#)

Notice of Ex Parte Meeting — California Association of Broadcasters (Feb. 26, 2014)

-
Separate meetings with staff from the offices of Commissioners Pai and Rosenworcel and with Commissioner O’Rielly and staff to discuss, among other issues, CAB’s opposition to the CIN study, to provide examples of the public interest benefits of JSAs and SSAs, and to argue against any changes to the retransmission consent negotiation process.

Ex Parte Letter — LIN (Feb. 28, 2014)

-
Non-Responsive to Request
[Redacted]

Notice of Ex Parte Meeting — Nexstar and Mission (Feb. 24, 2014)

[Redacted] No
[Redacted] n-
[Redacted] Re
[Redacted] app
[Redacted]

Ex Parte Letter — NAB (Feb. 27, 2014)

-
Non-Responsive to Request
[Redacted]

-
Too large to send: <http://appsint.fcc.gov/ecfs/document/view?id=7521083607>


Notice of Ex Parte Meeting — ACA (Mar. 6, 2014)

-
Non-Responsive to Request
[Redacted]
[Redacted]
[Redacted]
[Redacted]

-

Notice of Ex Parte Meeting — Institute for Public Representation et al. (Mar. 3 & 6, 2014)

-
Non-Responsive to Request





1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036

Telephone: (202) 467-6900
Fax: (202) 467-6910
www.wcsr.com

Gregg P. Skall
Direct Dial: 202-857-4441
Direct Fax: 202-261-0041
E-mail: GSkall@wcsr.com

February 27, 2014

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Office of the Secretary, Room TW B204
The Portals
445 12th Street, SW
Washington, DC 20554

**Re: Notice of Ex Parte
MB Docket Nos. 13-249, 09-182, 07-294 and 04-256
GN Docket No. 12-268
GN Docket No. 14-25
BO Docket No. 12-30
MM Docket 99-25**

Dear Ms. Dortch:

This letter is submitted pursuant to Section 1.1206 of the Commission's rules to disclose the communications made in the above-referenced proceedings. On Wednesday, February 26, 2014 members of the California Broadcasters Association met with Matthew Berry, Chief of Staff to Commissioner Ajit Pai, Clint Odem, Policy Director in the office of Commissioner Jessica Rosenworcel in two separate morning meetings. An afternoon meeting with Commissioner Michael O'Rielly and Courtney Reinhard, his Senior Legal Advisor and Chief of Staff, was attended by approximately nine California broadcasters, Stan Statham, CBA President, Joe Berry and Mark Powers, both CBA Vice Presidents, approximately nine CBA broadcasters.

The discussions touched on the following topics: the proposed study on critical information needs of communities, AM Revitalization, the Incentive Auction of television spectrum generally and the problem created by a failure to protect LPTV stations, the Commission's potential revision of the attribution rules as they relate to television joint sales and shared services agreements and the possibility of future attention to retransmission consent negotiations between television licensees and cable systems and interference problems peculiar to California due that are expected from the authorization and deployment of new LPFM stations and FCC Process Reform.

Critical Information Needs: In each meeting CBA broadcasters made the point that survey of newsroom news judgment practices by a government agency such as the FCC and as proposed in the study posed significant First Amendment issues and that such a survey is not necessary to examine the barriers to entry into communications businesses faced by minorities and others seeking new entrance, as required by Section 257. Broadcasters expressed their belief that the

Bob Butler

Bob Butler
President
National Association of Black Journalists

study should be abandoned, but if it should reappear, it should not include any questions regarding newsgathering or newsroom practices.

AM Revitalization: In each meeting CBA broadcasters expressed support for the AM revitalization effort underway in MB docket 13-249, including the proposals to allow a special window for FM translators for AM stations. Support was also offered for the all the proposals of, and the comments of the Minority Media and Telecommunications Counsel submitted in the docket. As reflected in those comments, it was suggested that the Commission should reexamine the concept of “community” and the coverage requirements in a mature AM broadcasting industry, pointing out that service to a the entire city of license does not necessarily reflect the current marketplace realities and restricted technical choices for AM facilities.

TV Sharing Arrangements: CBA broadcasters expressed their grave concerns for the loss of public service opportunities should the Commission proceed to attribute TV joint sales and shared services agreements. Distinguishing television from radio, where JSAs are already attributed, CBA broadcasters pointed out that radio broadcasters are already permitted local market multiple station ownership in even in the smallest markets. In contrast, the TV rules allow only limited multiple ownership and in only the largest markets. The rules make it extremely difficult to respond to market economics consolidation outside those markets. In each meeting one broadcaster mentioned that at least one if his company’s JSA arrangements include one Spanish language station and, while the other station is a big-4 network affiliate, the stronger station is actually the Spanish language station. Without this JSA-SSA arrangement, the community could quite possibly lose the Fox affiliate. The broadcasters stated that competition from other forms of electronic media is fierce and that it has significantly affected the advertising revenue required to support the local programming each station seeks to provide. The efficiencies afforded by JSAs and sharing arrangements make local news and public service possible. The benefits of some specific joint operating agreements, including increased local news and the ability to support a variety of minority audiences with programming specific to their interest groups was cited by broadcasters.

The CBA broadcasters also offered that the Department of Justice comments on joint arrangements failed to recognize the reality that television does not compete in the an exclusive over-the-air broadcasting market, but is actually in a fiercely competitive multi-modal electronic medium marketplace.

TV Spectrum Auctions and Rebanding: One of the CBA broadcasters who operate a significant number of LPTV stations in several states that serve a many different language communities expressed his fear that these communities will lose their voice as a result of the TV spectrum rebanding. He told how these provide a valuable public service to very significant minority populations, but that without LPTV protection, he is concerned that they will not survive and asked for a review of this situation. Concern was expressed by other CBA broadcasters that there appears to have been little progress in cross-border coordination with Mexico, and that if rebanding proceeds without having a firm plan in place with Mexico, many Southern California TV stations will likely face serious problems of mutual interference.

Retransmission Consent: CBA broadcasters offered that retransmission consent is working properly as a market based negotiation and should remain so. Broadcasters drew the comparative programming cost to cable for some satellite networks, particularly sports networks and suggested those costs that were real cause of increased cable subscriber rates. The point was made that television, television networks, cable television, program distributors and program creators are all in a mutual cost spiral, and that local television broadcasters need to look to additional sources of revenue beyond advertising to support the level of local service expected of them.

LPFM Co-Channel Interference: A CBA member engineer described studies that he has conducted on hundreds of LPFM applications filed and construction permits granted for LPFM stations in California. He stated that he expects that many LPFM stations will cause significant co-channel interference to full-power, licensed FM stations because the application and licensing criteria is not terrain based, but relies on the FCC's 50-50 curves in Part 73. While this may also be true for the rest of the U.S., California is particularly beset with big terrain variations that will allow LPFM stations to cause objectionable co-channel interference, despite their clearance on paper under the 50-50 criteria. Acknowledging that stations are already being authorized, the point made was to apprise the Commissioners that interference complaints are likely to come that must be dealt with.

FM Chip: CBA radio broadcasters mentioned the importance of the FM chip and the issue that wireless carriers control the services available in their mobile devices. It was stated that in other countries, the FM chip is automatically activated. In the U.S., most mobile service providers turn it off. Given the importance of radio in times of emergencies, a request was made to look into the situation. It was acknowledged that the Commission's jurisdiction may be limited here, but that it should nevertheless more thoroughly investigate the situation.

FCC Process Reform: CBA Broadcasters expressed their displeasure that they are not apprised of complaints when they are received by the Commission

Should there be additional questions regarding this submission, kindly contact the undersigned.

Sincerely,



Gregg P. Skall

Counsel to the Missouri Broadcasters Association

cc: Commissioner Michael O'Rielly
Courtney Reinhard
Clint Odem
Matthew Berry

From: [Benjamin Arden](#)
To: [Alexis Zayas](#); [Hillary DeNigro](#); [Martha Heller](#); [Julie Salovaara](#); [Brendan Holland](#); [Jamila-Bess Johnson](#); [Judith Herman](#); [Ty Bream](#)
Subject: 2010 Quad Ownership Docket Update: 3/22 - 3/25
Date: Tuesday, March 25, 2014 4:08:19 PM
Attachments: [LCCHR Ex Parte Letter 3 24 14.pdf](#)
[NAB Ex Parte Letter 3 24 13.pdf](#)
[NAB Ex Parte Comments 3 24 14.pdf](#)
[Free Press Ex Parte Notice 3 20 14.pdf](#)
[Free Press Ex Parte Letter 3 24 14.pdf](#)
[Diversity Coalition Ex Parte Letter 3 24 14.pdf](#)
[NOWF Ex Parte Letter 3 24 14.pdf](#)
[NABJ Ex Parte Letter 3 21 14 Pai.pdf](#)
[NABJ Ex Parte Letter 3 10 14 Wheeler.pdf](#)
[NABET-CWA Ex Parte Letter 3 20 14 Rosenworcel.pdf](#)
[NABET-CWA Ex Parte Letter 3 20 14.pdf](#)
[LIN Ex Parte Notice 3 19 14.pdf](#)

Another early update due to docket traffic.

Notice of Ex Parte Meeting — LIN (Mar. 19, 2014)

Non-Responsive to Request
[Redacted]

Notice of Ex Parte Meeting — NABET-CWA (Mar. 20, 2014)

Non-Responsive to Request
[Redacted]

Ex Parte Letter — National Association of Black Journalists (Mar. 10, 2014)

-
Non-Responsive to Request
[Redacted]

Ex Parte Letter — National Association of Black Journalists (Mar. 21, 2014)

Letter to Commissioner Pai disputing his use of female and minority statistics with respect to JSAs and noting that his call to study the impact of JSA attribution on minority and female ownership rings hollow when even the Commissioner opposed the CIN study, which was supposed to help fulfill the Commission’s obligation to study barriers to minority and female ownership.

-
Ex Parte Letter — National Organization for Women (NOW) Foundation (Mar. 24, 2014)

Non-Responsive to Request

[Ex Parte Letter — Diversity Coalition \(Mar. 24, 2014\)](#)

Non-Responsive to Request

[Ex Parte Letter— National Organization for Women \(NOW\) Foundation \(Mar. 24, 2014\)](#)

Non-Responsive to Request

[Notice of Ex Parte Meeting — Free Press \(Mar. 20, 2014\)](#)

Non-Responsive to Request

[Ex Parte Comments — NAB \(Mar. 21, 2014\)](#)

Non-Responsive to Request

[Ex Parte Comments — NAB \(Mar. 24, 2014\)](#)


Non-Responsive to Request

[Ex Parte Letter — NAB \(Mar. 24, 2014\)](#)

Non-Responsive to Request


Ex Parte Letter — LCCHR (Mar. 24, 2014)

-
Non-Responsive to Request

A large block of text is completely redacted with black bars, covering approximately six lines of content.

-
Ex Parte Letter — UCC et al. (Mar. 24, 2014)

-
Non-Responsive to Request

A large block of text is completely redacted with black bars, covering approximately six lines of content.

-
-

The Honorable Ajit Pai
Commissioner
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

March 21, 2014

Dear Commissioner Pai,

I am writing about the statement you released on March 20, 2014 applauding the benefits of the so-called joint sales agreements that reportedly benefit television stations owned by women and minorities.

In the statement you said 43% of female-owned full-power commercial television stations currently are party to JSA's. How many such television stations are owned by women in the United States?

You also say 75% of African-American-owned full-power commercial stations are currently parties to JSA's. Isn't it true that the 75% represents three of the only four stations owned by African-Americans?

I do not know how many female-owned stations exist. I do know that just ten years ago there were more than a dozen African-American-owned commercial television stations. Consolidations in the broadcasting industry and the recession have driven most of these owners out of business. Current conditions make it increasingly difficult for women and minorities to buy broadcast stations. If they own a station, they cannot compete for advertising dollars against the conglomerates.

Finally you say the FCC should study the effect this proposal would have on ownership diversity.

I agree that studies of how diversity in ownership affects localism and information needs are needed. In fact, the courts have mandated them. However, how do you conduct a study when even court-ordered studies on this topic receive such heavy criticism – including from you -- that they are cancelled?

I believe there may be some very limited cases where JSA's make sense. But I am concerned that the use of JSA's and shared services agreements have resulted in the closure of dozens of newsrooms and the loss of scores of journalism jobs.

The fact there are so few stations owned by women and minorities is reason enough to take a closer look at this issue.

From: [Benjamin Arden](#)
To: [Hillary DeNigro](#); [Brendan Holland](#); [Martha Heller](#); [Judith Herman](#)
Cc: [Julie Salovaara](#); [Alexis Zayas](#); [Jamila-Bess Johnson](#)
Subject: 2010 Quad Ownership Docket Update: 7/20 - 7/26
Date: Friday, July 26, 2013 4:19:17 PM
Attachments: [LCCHR Written Ex Parte 7 24 13.pdf](#)
[NCTA Written Ex Parte 7 25 13.pdf](#)

Written Ex Parte – The Leadership Conference on Civil and Human Rights (July 24, 2013)

Letter submitted in response to the Critical Information Needs study proposal that details LCCHR’s ideas on how to structure the studies and the potential impact of such studies on the media ownership proceeding. LCCHR believes that the Commission should not adopt any rule changes until the CIN studies are complete.

Non-Responsive to Request [Redacted]

Non-Responsive to Request [Redacted]

Non-Responsive to Request [Redacted]

Non-Responsive to Request [Redacted]

Benjamin D. Arden
Attorney Advisor
Media Bureau, Industry Analysis Division
202.418.2605

** Non-Public: For Internal Use Only **



July 23, 2013

Chairwoman Mignon Clyburn
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: In the Matter of Technology Policy Task Force Regarding Critical Information Needs Studies, BO Docket No. 12-30; 2010 Quadrennial Review, MB Docket No. 09-182; Diversification of Ownership in the Broadcasting Services, MB Docket No. 07-294

Dear Chairwoman Clyburn:

On behalf of the undersigned members of The Leadership Conference on Civil and Human Rights (The Leadership Conference), we write to offer our views with respect to the Critical Information Needs (CIN) studies research proposal and its relationship to the Quadrennial Review process.¹ The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. Constituencies represented by The Leadership Conference have historically been underserved by information resources and those needs have not been studied despite repeated promises by the Commission in the past. Thus, we have a particularly strong interest in the completion of this research and we are gratified that the Commission has finally released this proposal.

At the outset, we note that it is important to evaluate the proposed research protocol in the context of the history of media ownership regulation. The Commission has thus far failed to collect sufficient data about broadcast ownership by women and people of color.² Consequently, the present quadrennial review is flawed for its lack of adequate data analyzing media concentration's impact on people of color and women. A recent study filed by the Minority Media and Telecommunications Council (MMTC)³ does not correct any deficiency in the record. We appreciate the MMTC's goal, which was to add to the Commission's body of knowledge with respect to the impact of media concentration, and recognize the challenges associated with the study that was undertaken. However, given the study's limitations, we cannot support any Commission action based on its findings.⁴ The Commission does not yet have the evidence it needs to evaluate the impact of the proposed media ownership rules on women and people of color in the Quadrennial Review docket.⁵ Below we recommend refinements to the research proposal that are designed to

Officers
Chair
Judith L. Lichtman
National Partnership for
Women & Families
Vice Chairs
Jacqueline Pata
National Congress of American Indians
Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund
Hilary Shelton
NAACP
Secretary
Barry Rand
AARP
Treasurer
Lee A. Saunders
American Federation of State,
County & Municipal Employees

Executive Committee
Barbara Amwine
Lawyers' Committee for
Civil Rights Under Law
Arlene Holt Baker
AFL-CIO
Warren David
American-Arab
Anti-Discrimination Committee
Marcia D. Greenberger
National Women's Law Center
Chad Griffin
Human Rights Campaign
Linda D. Hallman
American Association of
University Women
Mary Kay Henry
Service Employees International Union
Sherrilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
Benjamin Jealous
NAACP
Michael B. Keegan
People for the American Way
Bob King
International Union, UAW
Elisabeth MacNamara
League of Women Voters of the
United States
Marc Morial
National Urban League
Mee Moua
Asian Americans Advancing Justice |
AAJC
Janet Murguia
National Council of La Raza
Debra Ness
National Partnership for
Women & Families
Terry O'Neill
National Organization for Women
Priscilla Ouchida
Japanese American Citizens League
Mark Perriello
American Association of
People with Disabilities
Anthony Romero
American Civil Liberties Union
David Saperstein
Religious Action Center
of Reform Judaism
Shanna Smith
National Fair Housing Alliance
Dennis Van Roekel
National Education Association
Randi Weingarten
American Federation of Teachers

Compliance/Enforcement
Committee Chair
Michael Lieberman
Anti-Defamation League
President & CEO
Wade J. Henderson
Executive Vice President & COO
Karen McGill Lawson

ensure that the resulting data are as strong as possible. We urge the Commission to:

- **Consult with other agencies with expertise in robust data collection that can withstand constitutional scrutiny.** If the data demonstrate that certain constitutionally-protected segments of the population are underserved, it may also need to be robust enough to withstand constitutional scrutiny of the highest order.⁶ For this reason, the Commission should consult with federal agencies such as the Department of Justice and the Department of Transportation, which have significant expertise in robust, constitutionally-sensitive data collection. Beyond these consultations, this research framework could be useful not only to the FCC, but also to other agencies and researchers who recognize the importance of understanding critical information needs.⁷ Therefore it would be useful to **identify areas where more expansive collection would augment findings**, should other agencies or private parties find resources for such work.
- **Take into account the particular circumstances of traditionally underserved communities, including people of color, women, and linguistic minorities.** The Commission should account for disparate access to broadband Internet when evaluating information sources by coding for market penetration by particular groups. Many communities that traditionally lack adequate critical information also traditionally have less Internet connectivity.⁸ Conversely, some communities over-index on social media and this should also be considered.⁹ The Commission should also modify the sampling methodology to better capture minority, and specifically Asian language media outlets,¹⁰ including sampling of non-English newspapers from small markets.
- **Ensure that information sources are not undercounted or duplicated.** The Commission should consider sampling from national television news sources as well as local sources. The proposal justifies exclusion of national news sources by assuming local market forces largely dictate what content is provided. Instead of excluding these sources, the study should test this assumption through collection of data.
- **Expand sampling beyond news radio outlets.**¹¹ The civil rights community believes that ownership and content on broadcast radio has an important role to play in meeting the critical information needs of all Americans.¹² The proposal appears to assume that non-news radio does not contribute to information sources or information flow in the U.S. and may rely on inaccurate claims in the Quadrennial Review docket to this effect. This point is especially critical given the format of most urban radio stations, the preferences of urban minority listeners, and the lack of diversity in news radio.
- **Take particular care with coding “seed” websites.**¹³ Care should be taken to discern between posts covering new content versus re-posted content (such as, for example, a tweet reposting a broadcaster’s own news story). If much of the content sampled is not original, it may result in an overrepresentation of critical information.
- **Ensure that the in-depth neighborhood interviews adequately represent people of color and women.** While the proposal does contain measures to ensure representation of racially and ethnically diverse populations,¹⁴ it is essential that female populations also be represented. For consistency, the Commission should specify how the interviews will be conducted, whether in person or over the phone. Research shows that interviewer identity can have a significant impact on interviewee responses;¹⁵ care should be taken to minimize the impact of the interviewer’s identity on participant responses. For example, the racial/ethnic identity of the pool of interviewers should be reflective of the populations being interviewed, and the Commission should work with local community based organizations to ensure culturally appropriate outreach.
- **Ensure that the survey tool does not overlook responses that offer evidence of discrimination in information provision.** It may be the case that some participants will report



discriminatory practices in response to open-ended questions that they or their community members have experienced when dealing with different media outlets. The research protocol should provide a numeric code to capture this data.

- **Take care to ensure all tracked websites, and particularly including hyper-local news websites, are not duplicating content.**¹⁶
- **Specify the validated instrument that will be used to measure both objective and perceived information needs.**

Finally, there is no question that refining the research protocol will contribute to the overall validity and reliability of the CIN studies. It is essential that the studies receive adequate funding and are concluded in time for the 2014 quadrennial review. In addition to fulfilling the Commission's statutory obligation,¹⁷ these studies are necessary to inform the Commission on disparities and market entry barriers facing women and people of color. Without this essential information, the Commission cannot move ahead with the proposed media ownership changes currently pending in the 2010 Quadrennial Review.

We welcome the opportunity to assist the Commission in carrying out these recommendations. Please contact Leadership Conference Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, United Church of Christ, Office of Communication, Inc., at 202-841-6033, or Gabriel Rottman, American Civil Liberties Union, at 202-675-2325, or Corrine Yu, Leadership Conference Managing Policy Director at 202-466-5670, if you would like to discuss the above issues or any other issues of importance to The Leadership Conference.

Sincerely,

American Civil Liberties Union
Asian Americans Advancing Justice | AAJC
Common Cause
Communications Workers of America
The Leadership Conference on Civil and Human Rights
National Council of La Raza
National Consumer Law Center, on behalf of its low-income clients
National Hispanic Media Coalition
National Organization for Women Foundation
National Urban League
NAACP
United Church of Christ, Office of Communication, Inc.

¹ Public Notice, Federal Communications Commission, Office of Communications Business Opportunities, BO Docket No. 12-30, DA 13-1214 (rel. May 24, 2013), and Media Bureau, DA 13-1317, MB Docket Nos. 09-182, 07-294 (rel. June 7, 2013).

² Comment of The Leadership Conference, *et al.*, MB Docket No. 09-182 (filed Dec. 26, 2012).

³ Minority Media and Telecommunications Council, *The Impact of Cross Media Ownership on Minority/Women Owned Broadcast Stations*, MB Dockets 09-182, 07-294 (filed May 30, 2013) at i.

⁴ The MMTC study claimed to provide evidence demonstrating that “cross-media interests’ impact on minority and women broadcast ownership” does not justify “tightening or retaining the rules.” The study suffers from several flaws, including a tiny sample of only 14 interviewees and a lack of transparency with respect to the markets studied. Further, the MMTC study conflates a lack of evidence with proof that no harm exists. See UCC OC Inc. *et al.* comments (filed July 22, 2013) (“it is misleading and inaccurate to characterize [a small-sample] study as proof that such a result has been ruled out. This is well-established in responsible research.”)

⁵ Despite its formal conclusion, the MMTC study did find evidence that concentration harms broadcasters who are women or people of color. MMTC stated:

[A]n especially extensive cross-media combination, although lawful under the rules, could materially inhibit “singleton station” operations in the advertising marketplace. Inasmuch as minority owned stations are more likely than others to be singleton stations, we recommend that the Commission be alert to the possibility that *a cross-media combination . . . can have sufficient market power to operate as a material detriment to minority and women ownership.*

Letter from David Honig to Chairwoman Clyburn *et al.*, MB Dockets 09-182, 07-294 (filed May 30, 2013) (emphasis added).

⁶ *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 235 (1995).

⁷ U.S. Dept. of Health and Human Services Office of the Assistant Secretary for Preparedness and Responses, Funding Opportunity Announcement and Grant Application Instructions, Funding Opportunity Title: Assistant Secretary for Preparedness and Response Grants to Support scientific Research Related to Recovery from Hurricane Sandy, EP-HIT-13-001, 93.095, 3 (2013).

⁸ National Telecommunication and Information Administration, U.S. Broadband Availability: June 2010–June 2012 A Broadband Brief at 10 (2013).

⁹ Bloomberg Businessweek Companies & Industry, *For Many, Twitter Replaced Traditional News Sources During Storm*, BUSINESSWEEK.COM, <http://www.businessweek.com/articles/2012-10-30/for-many-twitter-replaced-traditional-news-sources-during-storm> (Oct. 30, 2012).

¹⁰ For example, ranking the first ranked foreign language station ahead of the fourth ranked English language station will almost always sample a Spanish language station over an Asian language station. See Study Design at 6. The Commission should choose at least one market where an Asian language station would be ranked fourth.

¹¹ Social Solutions International, Inc., Research Design for the Multi-Market Study of Critical Information Needs: Final Research Design at 8 (2013) (“Given that the vast majority of radio content is music, we plan to only sample from radio stations that potentially provide for CIN’s (i.e. news content)”).

¹² *Cf.* Comments of Office of Communications, Inc. Of the United Church of Christ, MM Docket No. 00-244, at i (filed Mar. 26, 2002) (illustrating that the decrease in independent broadcast radio ownership has detracted from the availability of independent news, sports, and entertainment programming).

¹³ Seed websites are websites that will be sampled and analyzed for each category of CIN, to include TV station websites, university websites, local school system websites, blogs, local radio station websites, and state/local government websites.

¹⁴ Social Solutions International, Inc., Research Design for the Multi-Market Study of Critical Information Needs: Final Research Design at 15 (2013).

¹⁵ See Patrick R. Cotter, Jeffrey Cohen *et al.*, Race-of-interviewer Effect in Telephone Interviews, 46 *Public Opinion Quarterly* 278, 278-284, (1982) (demonstrating that a race-of-interviewer effect does occur in telephone interviews).

¹⁶ We note that duplicate posts might be relevant only if the studies can capture the degree to which the duplicate posts can extend their reach into communities who are not able to find the original source.

¹⁷ 47 U.S.C. § 257(c) (requiring review and reports on “(1) Regulations prescribed to eliminate market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications and information services or in the provision of parts or services to providers of those services and ... (2) proposals to eliminate statutory barriers to market entry by those entities....”).

From: [Jamila-Bess Johnson](#)
To: [MB-IAD](#)
Subject: Columbia Journalism Review on the Critical Information Needs Study
Date: Thursday, February 27, 2014 10:45:21 AM

04:15 PM - February 26, 2014

Why did the FCC want to interview journalists in the first place?

Context for the agency's Critical Information Needs study—and for the backlash it sparked

By [Corey Hutchins](#)

CHARLESTON, SC — The Federal Communications Commission publicly [backed off](#) part of a controversial research study last week in the face of mounting criticism that the research included interviewing local journalists about how they choose what to cover. The backlash to the [Multi-Market Study of Critical Information Needs](#) (CIN), which is [set for a test run](#) this spring in Columbia, SC, included Republicans in Congress invoking the (defunct) Fairness Doctrine, and one of the FCC's own commissioners [accusing](#) the agency of taking “a first step” toward “newsroom policing.”

At the heart of criticism of the CIN is why the FCC-commissioned study would include interviews with local journalists about their “news philosophy.” The image of a government goon squad grilling reporters is pretty evocative, if hyperbolic, but criticisms of the study haven't come exclusively from conservative media. In a Feb. 21 column in *The Atlantic* titled “The FCC's Dubious Study of American Media,” staff writer Conor Friedersdorf [wrote](#) that that while it seemed unclear whether the CIN intruded on press freedoms, he couldn't understand how a study about critical information needs could help the FCC's efforts to encourage ownership diversity in American media. “If there's a good answer, I haven't found it,” he wrote.

I thought someone who was deeply involved with the CIN might be able to shed some light on that, so I spoke with [Lewis Friedland](#), who directs the Center for Democracy and Communication at the University of Wisconsin-Madison. He was the lead author of a [literature review](#) for the study's research design. In an interview he explained the impetus for the study—and defended it from what he called a “mis-framing” in the conservative media. No part of the CIN was ever meant to intrude on the prerogatives of local news managers, he said. (Calls to Social Solutions International, the company that prepared the study, to former acting FCC chairwoman Mignon Clyburn, and to the National

Association of Broadcasters were not returned).

Said Friedland:

It was simply to get their point of view of how they understood the information needs of their local communities. Because part of the point of the study was to actually go into a pilot community to use standard social science methods of both qualitative interviewing focus groups, but also surveys, and to find out what people perceived their information needs to be. And then to look at the total information environment—the total output in that community—and to see whether those matched or not, to see whether they were being met or not. And that was the core of the study...So, long story short, the reason that we wanted to talk to broadcasters and newspaper editors ... was to see how they perceived their mission and who they perceived their audiences to be.

According to [an April 2013 research design document](#), parts of the study would involve taking a census of newspaper, radio, broadcast, and web coverage in a given market, along with surveying and interviewing local residents about their critical information needs. But it would also involve surveys and interviews in newsrooms, questioning journalists about their news philosophy and how they choose what stories to cover, among other things. It's that part that has drawn the most fire, and Chairman Wheeler said last week the FCC will scrap those questions as it re-evaluates the study.

For his part, Friedland thinks dropping the journalist interviews is probably the right move—but he says the questions were never intended to be a centerpiece for this study, and “they were never intended to be a form of critical review by the FCC of the output of the content of broadcasters.” Friedland notes he's done “probably a dozen of these studies in my time” and calls the newsroom interviews “a standard community-level research study technique,” adding that he's “talked to literally hundreds of news managers and reporters” in his academic career and “can't think of one that...didn't want to sit down and talk to me about the work that they did and the way that they saw their community.”

Those studies, however, were for independent research, and not commissioned by the FCC. And while he understands the criticism, he think it's unfair to frame it in a way that invokes an image of a government monitor prodding a reporter or influencing how he or she does their job. Said Friedland:

I understand that because this is an FCC study that it could be framed that way, and it *was* framed that way, but I'm just telling you that's not the case. I understand why certain people, particularly those for whom the Fairness Doctrine has been a longstanding area of fear or concern, would frame it that way. But I can

tell you with an absolutely clear mind that that was never even remotely involved in this case. There was no monitoring to be done, these were always voluntary interviews.

Craig Aaron, president of Free Press, a reform group that advocates for quality journalism and public media, sees the backlash as an intentional effort to distract from a larger upcoming debate. As *Adweek* [reported](#) February 25, the FCC could be looking at tightening media ownership rules under its new chairman Tom Wheeler.

“There *is* an ownership fight coming,” says Aaron, who expects the FCC under Wheeler will look at some of the structural agreements that have allowed consolidation over the years, and perhaps begin to tighten them. As that debate gears up, he paints the backlash to the CIN as a purposeful distraction.

“The idea that this study becomes this huge thing, I think, is really a political effort to undermine any effort to look at who owns what, and how much should they be allowed to own,” Aaron says. “It’s an effort for the opponents of media diversity...to try to throw a wrench into some very sensible policies and research that might actually shed some light on how we ended up in 2014 with no black-owned TV stations and very few stations owned by any other people of color.”

As for Friedersdorf’s question of how studying critical information needs could help the FCC’s efforts to encourage ownership diversity in American media, Frieland has one answer.

The FCC is the single agency charged with regulating the communication environment. It does *not* (nor should it) regulate the news. Hence, the newsroom questions were a mistake that has since been corrected. But if the FCC approves, for example, unlimited newspaper/broadcast cross-ownership, or, for example, allows Comcast to dominate 40 percent of the national cable market (taking into account that local broadband service in almost any community is, at best, a duopoly) this could easily affect the provision of community information needs, should they be found to exist. If the internet is held to be the primary alternative information provider in an era of newspaper decline, then this should be *testable* and the FCC should be allowed to see whether, for example, broadcasters and broadband companies provide information that local communities need. Localism is still a core doctrine of the Communications Act. If conservatives have absolute faith in the market to provide every need that people have, then they shouldn’t worry about properly designed research that tests whether, in fact, this is the case or not.

It remains to be seen how the FCC will re-tool the way it seeks to understand whether the critical information needs of citizens in Columbia, South Carolina—or anywhere—are

being met. And we'll likely have to wait until next month to see if the FCC takes any bold steps toward altering ownership rules. In the meantime, Craig Aaron of Free Press hopes the CIN doesn't further distract from what he sees as a larger, more important fight.

"This is a smart political play to try to throw the FCC off balance before we move into the next phase of this ownership debate," he says.