

# Minority Media and Telecommunications Council

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April 8, 2010

Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street S.W.  
Washington, D.C. 20554

RE: Notice of *Ex Parte* Communications: WT Docket No. 07-195 (Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band), GN Docket Nos. 09-137 (Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as amended by the Broadband Data Improvement Act), 09-51 (A National Broadband Plan For Our Future), 09-47 (International Comparison and Survey Requirements in the Broadband Data Improvement Act), 09-191 (Preserving the Open Internet), WC Docket No. 07-52 (Broadband Industry Practices ), CC Docket No. 96-45 (Federal-State Joint Board on Universal Service), WC Docket No. 05-337 (High-Cost Universal Service Support), MB Docket No. 07-57 (Sirius-XM), 07-294 (Promoting Diversification of Ownership in the Broadcasting Services)

Dear Ms. Dortch:

This reports on a meeting held April 7, 2010, with Commissioner Mignon Clyburn, Rick Kaplan, Chief of Staff for Commissioner Clyburn, and Angela Kronenberg, Acting Legal Advisor, Wireline. Representing MMTC at the meeting were David Honig, President and Executive Director, Marcella Gadson, Research Director and Associate Media Broker, and Jacqueline Clary, John W. Jones Fellow. Also present was Laura Berrocal, Public Policy Consultant, National Puerto Rican Coalition, Inc.

Attached please find the following documents that were distributed and discussed:

- MMTC press release regarding the National Broadband Plan (March 16, 2010)
- Letter to Chairman Genachowski re: Puerto Rico Insular (April 7, 2010)
- MMTC Letter to Commissioner Clyburn regarding M2Z (April 7, 2010)

We made these points regarding the National Broadband Plan:

- We were very happy with the National Broadband Plan – it's 95% of what we'd hoped for. We do have concerns regarding MBEs and SDBs with respect to market entry barriers, such as bundling and bonding, and creating memoranda of understanding

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modeled after state public utility commissions to increase SDB/MBE participation. We will followup on these proposals in post-NBP rulemaking proceedings.

- Options such as those mentioned in the plan for free or reduced service already exist, and M2Z is a good example of a company that seeks to provide these services.

We made these points regarding Sirius-XM:

- Sirius XM's MBE commitment could be effectuated by Full File Review (FFR) but since this would be "comparative FFR" (Ashbacker scenario) it would have to be done in a second stage of FFR after FFR is tried in non-comparative settings and any kinks worked out. That's too long in the future. In the meantime, the Commission could base a program on HBCUs, Tribal status or multilingual programming, which can be race neutral criteria. Imposing a trustee would be unfairly adding a new obligation.

We made these points regarding Puerto Rico Insular:

- Puerto Rico needs insular support. Much of the territory is rural, and it has the largest unserved population in the nation. Half of its residents are low-income individuals lagging in deployment and adoption.
- 200,000 individuals are without wireline service. Wireline is vital to broadband infrastructure, access, competition and adoption.
- Wireless is working in the urban areas, but outside these areas there are many places that are essentially no call zones. There is a significant population that is unserved by wireless.
- Puerto Rico should have the same level of wireline service as other states and should get aid even where there is only one company offering wireline while others offer wireless. The situation can be compared to the D.C. school system where funding is relative to the need. The Puerto Rican citizens that need wireline are not getting it.
- This is a civil rights issue that is particularly timely: it would be the first time the Commission has acted since releasing the NBP, and will signal how, in practice, the Commission will act with respect to rural areas.

We made these points regarding Network Neutrality:

- National civil rights organizations tentatively plan to endorse five out of six of the proposed regulations so long as the language is tailored towards consumers.
- Their objections to the fifth proposed regulation have been narrowed down, but cannot be waived because the fifth principle as drafted is so detrimental to deployment, adoption, and MBE opportunity.

We made these points regarding Full File Review and Adarand Studies:

- Other agencies institute full file review or give substantial consideration to SDBs; e.g. the Department of Defense and the Department of Education. The BTOP grant program

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grants consideration to whether applicants are SDBs and BIP awards 3 points to SDB applicants.

- Full file review is not a race-based measure because it looks to how applicants overcome disadvantages, only one of which might be racial discrimination. An individual's dint of effort to overcome a disadvantage is not a racial classification.

Respectfully submitted,

*David Honig*

David Honig  
President and Executive Director

Attachments