

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Applications for Consent to the Transfer of)	MB Docket No. 07-57
Control of Licenses,)	
)	
XM Satellite Radio Holdings Inc., Transferor,)	
)	
to)	
)	
Sirius Satellite Radio, Inc., Transferee)	

To: The Commission, Office of the Secretary
Attn: Chief, Media Bureau

REPLY COMMENTS OF iCLICK2MEDIA

iClick2Media an Independent Creative Artists Company submits these comments with limited support for the Petition for Reconsideration of Clarification by the Minority Media and Telecommunications Council (“MMTC”)¹ filed in response to the Commission’s October 19, 2010 Supplemental Merger Order.² In that Supplemental Merger Order, the Commission had adopted the implementation details for the voluntary commitment made by Sirius Satellite Radio Inc. (“Sirius”) and XM Satellite Radio Holdings Inc. (XM) to lease a portion of their combined channel capacity to certain “Qualified Entities” as a condition to the merger of the two satellite broadcasters (hereinafter, “Sirius XM”) on July 28, 2008 (“Leasing Condition”). In particular iClick2Media agrees that the new definition of Qualify Entity should be clarified and also believes the commission should remove any and or clearly define any language that has

¹ MMTC Petition for Reconsideration or Clarification (filed Nov 18, 2010) (“MMTC Petition”).
² See *Applications for Consent to the Transfer of Control of Licenses from XM Satellite Radio Holdings Inc., Transferor, to Sirius Satellite Radio Inc., Transferee*, Memorandum Opinion and Order, 2010 FCC 10-184 (rel. October 19,2010) (“*Supplemental Merger Order*”)

any ambiguity as discussed in iClick2Media's Letter of Opinion to the Commission on November 12 2010³. iClick2Media however does not agree with MMTC concept to now include three race-neutral (but not racially dilute) classifications: Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American Serving Institutions (AASIs), and Native American Serving Institutions (NASIs). iClick2Media like the others on the docket⁴ have filed comments and met with the members of the FCC stand firm in its belief that the order⁵ should be set aside and the original plan as defined in the order when the FCC approved the merger between XM and Sirius should stand.

Further as I stated I applaud your efforts in finding a solution that included all the active parties ideas, and concepts on the docket however history has show that without clear distinctness of terms in place the underserved is seldom served. By back peddling the FCC continues to maintain the status quo when it comes to the underserved, minorities and women in telecommunications. The line between racial preference and race-neutral is finding the less restrictive mean of achieving equality. It does not mean walking away from your responsibility a responsibility the FCC obligated itself to oversee and has a duty to ensure fairness over such communication.

The latest Radio Television, Digital News Associations (RTDNA) Hofstra University Annual Survey⁶ finds that the percentage of minority news directors rose in both

³ iClick2Media's **OPINION ON the MEMORANDUM OPINION AND ORDER 07-57** Adopted: October 18, 2010 Released October 19, 2010 pg 9

⁴ MB Docket No. 07-57

⁵ FCC 10-184 (rel. October 19,2010)

⁶ Number of Minority Journalists Down in 2009; Story Mixed for Female Journalists by Bob Papper

television and radio. But those were nearly the only positive numbers in the survey. Overall, the percentage of minorities in both radio and television fell for the third straight year, although the drop in TV was small. Women in radio news rose slightly, but the percentage of women radio news directors went down, as did both the overall percentage of women in TV news and women TV news directors. The drop in women TV news directors was small, and the percentage of women TV news directors stands at the second-highest level ever. As far as minorities are concerned, the bigger picture remains unchanged. In the last 20 years, the minority population in the U.S. has risen 9.4 percent; but the minority workforce in TV news is up 2.4 percent, and the minority workforce in radio is actually half what it was two decades ago. Still, TV news diversity remains far ahead of newspaper (see sidebar).

Minority Population v. Minority Broadcast Workforce

	2010	2009	2008	2007	2006	2005	2000	1995	1990
Minority Population in U.S.	35.3%*	34.4%	34.0%	33.6%	33.2%	32.8%	28.6%	25.9%	27.9%
Minority TV Workforce	20.2	21.8	23.6	21.5	22.2	21.2	21.0	17.1	17.8
Minority Radio Workforce	5.0	8.9	11.8	6.2	6.4	7.9	10.0	14.7	10.8

*projected

Broadcast News Work Force ... Television

	2010	2009	2008	2007	2006	2005	2000	1995
Caucasian	79.8%	78.2%	76.3%	78.5%	77.8%	78.8%	79.0%	82.9%
African American	11.5	9.6	10.1	10.1	9.5	10.3	11.0	10.1

Hispanic	5.8	8.8	10.3	8.7	9.6	8.7	7.0	4.2
Asian American	2.3	3.0	2.7	2.3	2.7	1.9	3.0	2.2
Native American	0.5	0.5	0.5	0.4	0.5	0.3	<1.0	0.6

Broadcast News Work Force ... Radio

	2010	2009	2008	2007	2006	2005	2000	1995
Caucasian	95.0%	91.1%	88.2%	93.8%	93.6%	92.1%	90%	85.3%
African American	2.9	5.4	7.8	3.3	2.5	0.7	5	5.7
Hispanic	0.7	2.3	3.6	0.7	1.9	6.0	3	7.5
Asian American	0.4	0.6	0.4	1.1	1.8	0.7	1	0.6
Native American	1.1	0.6	0	1.1	0.2	0.5	1	1.0

For the second year in a row, the percentage of minorities in television decreased from the year before. In fact, we end the decade with no gains whatsoever for minorities in TV news, and the percentage of minorities in radio news is down substantially.

In TV, much of the drop in minority employment -- and Hispanics specifically -- came from a drop at Hispanic stations. Among non-Hispanic stations, minority employment slipped by just 0.3 percent to 19.3, down from last year's 19.6 percent.

At non-Hispanic stations, the minority break down is:

- 10.3 percent African American (up from 9.8 percent)
- 5.7 percent Hispanic (down from 6.2 percent)
- 2.8 percent Asian American (down from 3.1 percent)
- 0.5 percent Native American (unchanged from a year ago)

Overall, 73.9 percent of the TV news workforce at Hispanic stations are Hispanic. That's up slightly from last year's 72 percent. Twenty percent are white; 3.5 percent are Asian

American; 2.6 percent are African American. That's down for white and black and up for Asian American.

As usual, men outnumber women for almost all groups except Asian Americans, where women outnumber men 1.5:1 and Native Americans, which were even. Otherwise, differences are greatest among Hispanics 3.6 percent male to 2.2 percent female; whites: 48.6 percent to 31.2; blacks 6.7 percent to 4.8 percent.

In radio, the percentage of minorities fell substantially. All groups dropped except Native American.

Broadcast News Directors ... Television – 2010

	2010	2009	2008	2007	2006	2005	2000	1995
Caucasian	86.9%	88.8%	84.5%	89.1%	86.8%	88.0%	86%	92.1%
African American	3.3	3.5	3.7	2.0	4.2	3.9	3	1.6
Hispanic	6.6	6.0	9.3	7.2	6.0	5.8	9	3.8
Asian American	2.6	1.1	1.7	1.0	1.2	1.3	2	1.5
Native American	0.7	0.7	0.8	0.7	1.8	1.0	<1	1.0

Broadcast News Directors ... Radio – 2010

	2010	2009	2008	2007	2006	2005	2000	1995
Caucasian	92.9%	97.8%%	94.1%	88.0%	95.6%	89.0%	94%	91.4%
African American	2.7	0	1.7	4.4	1.9	0.0	3	5.4
Hispanic	2.7	1.1	3.4	3.8	1.3	8.8	2	2.4

Asian American	0.9	1.1	0.8	1.9	0.6	0	0	0
Native American	0.9	0	0	1.9	0.6	2.2	1	0.8

The overall percentage of minority news directors in TV increased by almost two percent last year. It's still below the all-time high, but it's certainly among the highest percentages I've seen. Much of that was fueled by a jump in Asian American news directors. Historically, minority news directors have been concentrated in the largest markets. It's still highest in markets 1 - 25, but the percentages are in double digits for all market sizes except 51 - 100. That's a first. The percentage is still lowest at the largest stations -- just 2.8 percent minority in newsrooms of 51+ staffers. Fox affiliates had the highest percentage at 15.8 percent, followed by CBS at 10.8 percent. Both ABC and NBC affiliates were between 6 and 7 percent. Still, the big four network affiliates, overall, had 9.7 percent minority news directors. That's up from 6.9 percent the year before. As usual, minority news directors were most common in the South and West and least likely in the Midwest.

At non-Hispanic TV stations, the percentage of minority news directors rose from last year's 7 percent to 8.9 percent. That's just off the all time high of 9.1 percent two years ago. 3.2 percent were African American; 2.5 percent each for Hispanic and Asian American; and 0.7 percent Native American. That's about the same for African American and Native American and up for Hispanic and Asian American. The percentage of minority news directors in radio tripled from last year's paltry 2.2 percent to this year's 7 percent. All minority groups went up except Asian American, which slid slightly. Group-owned stations were less likely to have minority news directors than independent

stations.

Women in Local TV News – 2010

	News Staffs With Women	Women News Directors	Women as Percentage of Work Force	Average Number of Women on Staff
All Television	88.0%	28.4%	40.0%	13.6%
Network Affiliates	88.1	27.5	40.1	14.6
Independents	82.6	25.0	42.0	12.4
Market:				
DMA1-25	75.5	27.4	40.4	20.3
DMA 26-50	80.6	33.3	39.0	18.8
DMA 51-100	88.2	21.6	39.5	14.9
DMA 101-150	91.8	32.1	41.0	10.8
DMA 151+	100.0	20.6	43.4	8.0
Staff size:				
Staff 51+	100.0	21.1	39.5	25.4
Staff 31-50	100.0	24.7	39.5	14.4
Staff 21-30	100.0	25.8	41.6	9.8
Staff 11-20	100.0	26.8	43.7	6.4
Staff 1-10	100.0	15.8	46.9	2.6

At 28.4 percent, the percentage of women TV news directors fell 0.7 percent from last year's all-time high of 29.1 percent. It's still the second-highest percentage ever. It's also worth emphasizing that the percentage of women TV news directors in the RTDNA

/Hofstra University Annual Survey is based on a complete station census – not projected from a smaller sample. So 28.4 percent isn't a rough figure, it's an exact one. Women news directors were highest in the Midwest and then West and lowest in the South. There was no meaningful difference based on network affiliation.

Women have been right around the 40-percent mark of the TV workforce for more than a decade. Last year, the number edged up to 41.4 percent, but this year it's back down to 40.0 percent. That could indicate that women in TV news lost their jobs at a higher rate than men, but it could also just be an anomaly in the numbers. Perhaps I'll have the answer after next year's survey.

Readers with sharp eyes might wonder how women can be in all stations based on staff size but in smaller percentages based on market size. That's because I have all market sizes for all stations, but quite a few stations don't tell me exact staff size. All the stations that supply staff size reported having women in the news department, but that wasn't the case for all stations that returned the survey. That kind of disparity doesn't happen often, but it's one of the hazards in survey research.

Women in Local Radio News – 2010

	News Staffs With Women	Women News Directors	Women as Percentage of Work Force	Average Number of Women on Staff
All Radio	40.9%	18.1%	29.2%	0.9%
Major Market	33.3	16.7	36.4	1.6
Large Market	40.0	14.3	27.0	0.8
Medium Market	50.9	23.3	31.1	1.0

Small Market	34.0	15.2	21.1	0.5

A mixed picture for women in radio news in 2010, the percentage of women in the radio workforce stayed essentially the same (up by 1.0 percent). The percentage of stations with women rose by 10 percent, but the percentage of women radio news directors fell by 9 percent. The opposite of last year, women were actually more likely to be news director at stations with larger staffs but less likely to be in the Northeast than elsewhere in the country.

Major markets are those with 1 million or more listeners. Large markets are from 250,000 to 1 million. Medium markets are 50,000 to 250,000. Small markets are fewer than 50,000.

Minorities in Local TV News – 2010

	News Staffs With Minorities	Minority News Directors	Minorities as Percentage of Work Force	Average Number of Minorities on Staff
All Television	71.5%	13.1%	20.2%	7.9
Network Affiliates	71.7	9.7	19.3	7.7
Independents	66.7	40.0	47.9	5.6
Market size:				
DMA 1-25	55.6	18.2	31.5	17.7
DMA 26-50	75.0	13.2	27.4	13.2
DMA 51-100	79.3	7.3	15.9	6.7
DMA 101-150	72.6	11.0	15.2	4.5

DMA 151+	71.4	17.9	13.3	3.1
Staff size:				
Staff 51+	78.9	2.8	22.1	14.2 -
Staff 31-50	90.2	15.6	21.1	7.9
Staff 21-30	87.1	7.7	15.1	4.1
Staff 11-20	69.6	25.0	21.9	4.3
Staff 1-10	60.0	27.8	18.1	2.3

Minority numbers in TV news present a mixed picture. The percentage of minority TV news directors rose by almost 2 percent in the last year to one of the highest levels ever. At the same time, the overall minority workforce dropped by about a percent and a half, and there was a large, puzzling drop in the percentage of stations with minorities. I suspect the latter number is an aberration that will disappear next year.

There are few consistent trends within the minority data. Generally, the larger the market has the higher percentage of minorities. Fox affiliates were a little more likely than other network affiliates to have minority news directors, and ABC and NBC affiliates were least likely to have minority news directors. As usual, stations in the South and West were more likely to have minority news directors and stations there also tended to have a higher percentage of minorities in the newsroom.

Minorities in Local Radio News – 2010

	News Staffs With Minorities	Minority News Directors	Minorities as Percentage of Work Force	Average Number of Minorities on Staff
All Radio	7.4%	7.1%	5.0%	0.1
Major Market	4.3	18.2	13.6	0.4
Large Market	20.0	14.3	10.8	0.2
Medium Market	3.5	9.3	1.6	0
Small Market	4.0	0	2.6	0

Even as the percentage of the minority workforce in radio news fell to one of its lowest levels ever, the percentage of minority radio news directors rose substantially from last year. At 7.1 percent, the percentage of minority radio news directors isn't the highest it's been, but it's certainly on the high end of the scale.

TV General Managers – 2010

	Percent Caucasian	Percent Minority	Percent Men	Percent Women
All Television	94.7%	5.3%	83.5%	16.5%
Network Affiliates	98.2	1.9	84.0	16.0
Independents	90.9	9.1	76.2	23.8
Market size:				
DMA 1-25	85.7	14.3	85.1	14.9
DMA 26-50	93.1	6.8	76.7	23.3
DMA 51-100	95.9	4.1	85.1	14.9

DMA 101-150	100.0	0	88.3	11.7
DMA 151+	95.6	4.4	77.1	22.9

Both minority and women numbers are up slightly from a year ago, but they look a lot like last year. Women GMs (at stations that run local news) are more likely to be found in smaller newsrooms and at ABC affiliates and less likely in the Northeast.

At 2.7 percent last year, it was hard to imagine that minority general managers (at network affiliates that run local news) could become even more white, but they did. Now, under 2 percent of those GMs are minorities. The overall percentage of minority went up slightly because minorities at independent stations went up. Among the network affiliates, ABC and NBC stations were much higher than CBS or Fox -- but all were low.

At non-Hispanic stations (which run local news), minority GM numbers were cut by one-third from a year ago ... which was down two-thirds from the year before that. Minority GMs at non-Hispanic stations have gone from 9.8 percent to 3.1 percent to 2.6 percent in the latest survey. Most of those are black. Seventy percent of the GMs at Hispanic stations are Hispanic; the rest are white.

Radio General Managers – 2010

	Percent Caucasian	Percent Minority	Percent Men	Percent Women
All Radio	92%	8.0%	81.7%	18.3%

Both minority and women numbers went up in the last year. Both are more likely to be

found at non-commercial stations and independent stations. Minority GMs were also most likely to be in the Northeast, then the West.

The RTDNA/Hofstra University Survey was conducted in the fourth quarter of 2009 among all 1,770 operating, non-satellite television stations and a random sample of 4,000 radio stations. Valid responses came from 1,355 television stations (76.6 percent) and 203 radio news directors and general managers representing 301 radio stations. Some data sets (e.g. the number of TV stations originating local news, getting it from others and women TV news directors) is based on a complete census and is not projected from a smaller sample.

ADDITIONAL MATERIAL:

Age - 2010

The typical TV news director remained in the mid 40s. The median was 44 and the average was 45. Overall, the age ranged from 28 to 69. Generally, news directors were a little older in the largest markets and the largest stations, but the differences were quite small. Network affiliation and region made no difference.

News directors appear to be getting a lot less nomadic. The typical TV news director had been at his or her station for just over 6 years (although not necessarily as news director). The average tenure at that station for the news director was eight and a half years. One news director had been at the station for 48 years. The numbers didn't vary a lot by market size, although news directors in the very smallest markets tended to have been there a little less than for other markets. Overall, news directors were a little more stable

in the Midwest and Northeast than in the South and West. In radio, the median age for news director was 48 and the average was 45. Interestingly, the average and median ages for news directors at commercial stations was about 10 years older than for those at non-commercial stations. Radio news directors are even less nomadic than TV news directors. The typical (median) radio news director had been at his or her station for 6 years (although not necessarily as news director). The average tenure at that station for the news director was 10.3 years.

Newspapers and TV

The 2010 survey by the American Society of News Editors found that minority journalists make up 13.3 percent of newsroom employees at daily newspapers. That's down 0.1 percent from the 2009 number.

	Daily Newspapers	TV News
Minority population	13.3%	20.2%
African American	4.9	11.5
Hispanic/Latino	4.6	5.8
Asian American	3.3	2.3
Native American	0.5	0.5
Women	36.6	40.0

Daily Newspapers TV News (non-Hispanic only)

	Daily Newspapers	TV News
Minority population	13.3%	19.3%

African American	4.9	10.3
Hispanic/Latino	4.6	5.7
Asian American	3.3	2.8
Native American	0.5	0.5
Women	36.6	40.0

The above statistical data is necessary in these reply comments to show the underserved, minority and women are on a continue decline in several medium of communication. If the FCC does not reconsider its Order to allow Sirius XM to choose whom will be given the Licenses the voices of the underserved, minorities and women will continue to get smaller and smaller.

Respectfully submitted,

/s/ Malik Shakur

iClick2Media
An Independent Creative Artists Company

By
Malik Shakur CEO

December 19, 2010