

November 20, 2007

Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Commissioners Copps and Adelstein:

We write to express our profound concern over the possible misuse by the FCC of an obscure provision of the 1984 Cable Act in an effort to make an end-run around the U.S. Congress and advance a set of policies that will further set back media diversity in our country.

In particular, the so called "70-70 provision" in the "commercial-leased-access" section of the 1984 Act was intended to give the FCC a very limited authority to modify the rules that govern how some programmers (mostly home shopping and infomercials) may lease time on cable systems. As you are aware, the Commission may use this limited authority only when 70 percent of all homes passed by cable companies actually subscribe to cable service. Every business expert confirms there is no credible evidence that suggests that this "70 percent" test has been met, particularly in an era of booming satellite business and growing phone company competition.

Normally, the undersigned organizations would not care to comment on such matters of bureaucratic minutiae. But here, the invocation of this obscure law can be used as a stalking-horse to ram through, by administrative fiat, policies that will be further harmful to consumers and to minorities despite the efforts by some within the FCC to portray them as otherwise.

It is particularly troubling to learn that, notwithstanding meager pledges to the contrary, the 70-70 rule could be used to push very unpopular ideas -- including the a la carte or per-channel-charge of cable programming and multicast must-carry rules -- which have been widely discredited as they would devastate smaller and minority-owned cable networks. We are equally concerned that the FCC could use this disturbingly elastic power to revise the leased access rules in the name of promoting diversity. We see no support among minority programmers for changing these rules. In fact cheap leased access does little more than give infomercial producers priority access over minority-owned and -oriented programming.

To our amazement, this "anti-diversity" agenda is being promoted concurrently with an effort to destroy media diversity through broadcast conglomeration. Many leaders have panned the leasing-rather-than-owning proposals as patronizing "consolation prizes." We share Commissioner Adelstein's view that these initiatives amount to "media sharecropping."

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The undersigned organizations are all too familiar with situations where agencies seek to claim imperial powers and purport to act in the best interests of minorities while pursuing a wholly different agenda. We urge both of you to remain strong in your opposition to this charade and to persuade those of your colleagues who truly believe in diversity to stand with you.

We would very much welcome your views on these matters.

Sincerely,



Gary Flowers, Executive Director and CEO
Black Leadership Forum, Inc.



Brent Wilkes, Executive Director
League of Latin American Citizens



Dr. E. Faye Williams, Esq., National Chair
National Congress of Black Women



Lillian Rodriguez-Lopez, President
Hispanic Federation



Hilary O. Shelton, Director, NAACP Washington Bureau
National Association for the Advancement of Colored People (NAACP)

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National Association of Latino Elected and Appointed Officials (NALEO)



Melanie L. Campbell, Executive Director and CEO

National Coalition on Black Civic Participation.



Susan Scanlan, Chair

National Council of Women's Organizations



Kimberly R. Marcus, Executive Director & Director of Media and Telecommunications

Rainbow PUSH Coalition (founded by Rev. Jesse L. Jackson, Sr.), Public Policy Institute



Jose Marquez, President & CEO

Latinos in Information Sciences and Technology Association

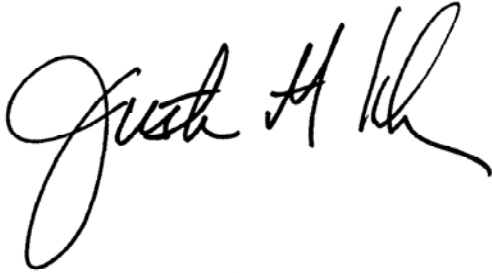
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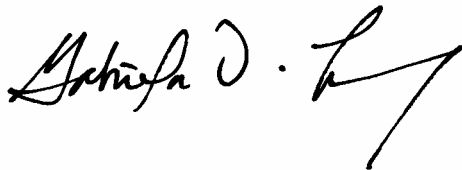
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National Gay & Lesbian Chamber of Commerce (NGLCC)



Justin G. Nelson, Co-Founder & President
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Dr. Gabriela Lemus, Executive Director
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