



July 29, 2010

Secretary Marlene H. Dortch  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 200554  
VIA ELECTRONIC FILING

**Letter of *Ex Parte***

Dear Secretary Dortch,

On July 26<sup>th</sup>, Mabuhay Alliance met with Commissioner Clyburn and had separate meetings with legal advisors of commissioners Baker and Copps. On July 27<sup>th</sup>, the Black Economic Council met with Commissioner Clyburn. The Black Economic Council and Mabuhay Alliance jointly met with the legal advisor to Chairman Genachowski on July 28<sup>th</sup>.

All information conveyed during all meetings were on behalf of the Black Economic Council, the Latino Business Chamber of Greater Los Angeles and Mabuhay Alliance.

The primary issue discussed was the Comcast/NBC Universal merger. The three groups discussed the sweetheart agreement Comcast had made with select Latino groups and commitments the three groups wish the FCC to adopt.

The groups conveyed that they met or would be meeting with congresspersons Chu, Honda and Waters to discuss a diversity agreement that the FCC should require as a condition for the merger. We are attaching the proposed diversity agreement supported by the three earliest critics of the Comcast merger, Mabuhay Alliance, Latino Business Chamber and the Black Economic Council. This proposal was submitted by Congresswomen Chu and Waters and will be provided to four Commissioners and their aids, with whom we met on July 27<sup>th</sup> and 28<sup>th</sup>. The three minority groups also indicated at the meetings that these requests are consistent with those expressed by the Asian Pacific Congressional Caucus in a letter by congresspersons Honda and Chu. Attached is the congressional letter of July 15<sup>th</sup>.



It was also conveyed that the nature of the commitment would likely affect all future mergers, not just future mergers subject to FCC scrutiny. That is, the Comcast merger could influence the direction of public interest diversity requirements for all companies seeking mergers subject to either regulatory approval or Department of Justice Antitrust approval, particularly in light of the Dodd/Frank reform bill and the provisions added by Congresswoman Maxine Waters on diversity as it affects the SCC and bank regulatory bodies. We stated that this could require appropriate diversity commitments that are transparent, measurable and enforceable.

Sincerely,

A handwritten signature in cursive script that reads "Faith Bautista".

Faith Bautista  
President and CEO

A handwritten signature in cursive script that reads "Mia Martinez".

Mia Martinez  
Deputy Director

A handwritten signature in cursive script that reads "Len Canty".

Len Canty  
Chairman  
Black Economic Council

A large, stylized handwritten signature in cursive script that reads "Faith Bautista".



July 28, 2010

**COMCAST REQUEST PRESENTED TO MAXINE WATERS AND  
ASIAN PACIFIC CONGRESSIONAL CAUCUS**

**TRANSPARENCY**

Comcast/NBC should turn over data for 2009 related to employment contracts and philanthropy to include:

- A breakdown of employment data at every level of employment by race, ethnicity and gender;
- A breakdown of contract procurement dollars spent by total dollar value, classification of type of contract by race, ethnicity and gender;
- A breakdown of philanthropic contributions by type of contribution, and a breakdown of the organization's who received contributions by race and ethnicity.

**FUTURE COMMITMENTS**

- 1) Board of Directors must represent at a minimum the Bush and Obama cabinets with at least 40% minorities (two Blacks, two Latinos and two Asian Americans).
- 2) The merged company within five years must reach a goal for minority contracts comparable to at least the verifiable records of AT&T and Verizon in 2009.
- 3) Its employment at all levels of management must reflect the percentage with proportionate representation of minority groups in the population or its general audience. This is attainable as there are currently a number of companies successfully achieving this goal. Both AT&T and Verizon have employment data that is reflective of the ethnic and race goals.
- 4) Philanthropy goals for the new merged company committed over the next ten years should be at least 2% of pretax dollars to underserved communities. (This goal is attainable, as Bank of America has exceeded this figure).



- 
- 5) Allocate 25% of total cost savings estimated to be realized from the merger over the next 10 years to the Black, Latino and Asian American media communities to be used for capacity building for minority-owned media for long-term sustainability in:
    - a) Production of content;
    - b) Distribution of content; and
    - c) Education and technical assistance.
  - 6) The Minority Advisory Council must represent the minority diversity of the nation. Selection should be a joint effort by the FCC, community groups and Comcast. Community groups cannot be omitted or disqualified from the decision making process as a result of opposing the merger. To ensure qualified minorities as part of that number, they should be compensated at approximately one-fourth the rate of board of directors annually or approximately \$50,000 per year.
  - 7) Minorities shall have rights of first refusal for all properties for sale.
  - 8) Establish a \$1billion equity fund that will be used to fund the acquisition of above mentioned properties, TV stations and other media outlets. Additionally, this fund will finance TV shows and or movies produced by, written by and directed by minorities, Blacks, Latinos, Asians and Pacific Islanders.