

# NATIONAL ASSOCIATION OF BLACK OWNED BROADCASTERS

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January 17, 2011

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## VIA ELECTRONIC FILING

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: *Ex Parte* -- In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees, MB Docket No. 10-56

Dear Ms. Dortch:

The National Association of Black Owned Broadcasters, Inc. ("NABOB"), on behalf of the Diversity and Inclusion Professional Associations ("DIPA"), submits this notice of an *ex parte* telephone conversation the undersigned had with Dave Grimaldi, Chief of Staff and Media legal Advisor to Commissioner Mignon Clyburn on January 14, 2011.

In the conversation, I explained that DIPA filed a January 7, 2011 letter in this proceeding, which was received and posted on the Commission's website for this proceeding on January 10, 2011.<sup>1</sup> In the letter, DIPA pointed out that Comcast and NBCU have filed copies of a number of Memoranda of Understanding ("MOUs") that they have entered into with various minority organizations. Comcast and NBCU have filed these MOUs without any explanation of what use Comcast and NBCU are requesting that the Commission make of these flings. In spite of the lack of a statement

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<sup>1</sup> The letter should have been listed on the Commission's website as having been filed by DIPA, but was mistakenly listed as having been filed by Yolanda Coly, who signed on behalf of one of the members of DIPA.

Ms. Marlene H. Dortch

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regarding the use to be made of these MOUs, it seemed obvious that Comcast and NBCU have submitted these MOUs to tilt the Commission's views in a favorable direction towards their merger.

I explained that, in its letter, DIPA pointed out that the MOUs, while expressing interest in accomplishing a number of worthy goals, fail to address many of the serious competition and consumer protection matters that the Commission must address in order to carry out its statutory review of this transaction. DIPA asked that the Commission not allow the MOUs to divert the Commission from the substantial public interest issues this transaction presents.

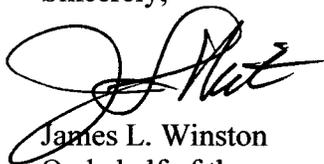
I explained that, given that Comcast and NBCU have chosen to submit the MOUs for consideration by the Commission, the Commission should take that consideration seriously. Specifically, given that Comcast and NBCU have offered the MOUs to the Commission as part of their effort to demonstrate that a grant of their application is in the public interest, the Commission should make compliance with those MOUs a condition of any grant of the application.

I explained that, in making compliance with the MOUs a condition of a grant of the applications, the Commission should require that Comcast and NBCU report at regular intervals, perhaps quarterly, on the success of their compliance with the MOUs. Such a reporting obligation has public interest benefits. First, it provides the parties who signed the MOUs a forum to seek compliance in the event of a dispute. Currently, the MOUs have no forum in which to seek compliance. Second, the reporting conditions would bring transparency to a process that might never receive public scrutiny.

I explained that as a legal matter, the reporting conditions would raise no constitutional issues, because the issue the Commission would be addressing in its review is whether Comcast and NBCU were implementing the MOUs as written. The Commission would not be in the position of implementing any of the provisions itself.

I concluded by requesting that language implementing such reporting requirements be incorporated into the order, if the Commission grants the application.

Sincerely,



James L. Winston

On behalf of the

Diversity and Inclusion Professional Associations