

Amendment

Commission approval of Urban's proposal and grant of its applications would serve the public interest by advancing several long-standing and important communications policy objectives. It would promote competition and diversity among free, over-the-air television services generally. More particularly, it would significantly increase minority ownership of broadcast outlets and facilitate the emergence and development of a national broadcast service offering programming specifically directed to underserved communities.

Notwithstanding years of Commission and Congressional efforts to enhance minority participation in the industry, the percentage of the nation's full power television stations owned by minorities continues to hover at around 3 percent.¹ and may be at risk of decline. As the Commission has recognized repeatedly, among the reasons for this seemingly intractable deficit is the difficulty of attracting and raising capital to support minority-controlled broadcast ventures.² Approval of the Urban proposal and ownership structure would, in a stroke, both substantially increase the number of broadcast television outlets controlled by minorities *and* facilitate the creation of the first, national over-the-air broadcast service controlled by minorities.

Meanwhile, there is a continuing demonstrable and serious shortfall in the market for broadcast television programming that meets the needs of minority viewers. Minorities historically have been, and continue to be, under-represented not only in the program offerings of

¹ See U.S. Government Accountability Office, Report to the Chairman, Subcommittee on Telecommunications and the Internet, Committee on Energy and Commerce, House of Representatives, GAO-08-383 (March 12, 2008), at 21.

² See, e.g., *Promoting Diversification of Ownership in the Broadcast Services*, 23 FCC Rcd 5922, 5926 (2008).

the major national networks, but also in the creative and production processes that bring those programs to the screen.³

These are precisely the communities Urban proposes to serve. First, Urban proposes to broadcast no less than seven hours per week of national or local public affairs programming directed at the communities the share-time stations will serve. Urban's public affairs programming presented pursuant to this commitment will be reported as part of the quarterly problems/program lists that will be filed in the Urban stations' local public inspection files and, specially, also submitted to the Commission. More generally, Urban will present a mix of entertainment, informational and issue-oriented programming directed at and responsive to the needs, interests and concerns of the African American community and other historically underserved viewers. Importantly, not only viewers will benefit from the successful launch of the Urban venture. By partnering with members of the creative community in the development of new and innovative children's, informational, and entertainment programming of special interest and appeal to minority viewers, Urban will provide a national stage for minority producers, writers, actors and other entertainment industry workers. In addition, by creating a new national distribution platform with dozens of local broadcast outlets, the Urban venture will provide a new and attractive option for national and local advertisers seeking to reach African American and other minority viewers.

The market failure to which the Urban proposal responds is self-evident: notwithstanding decades of industry and regulatory efforts to advance the fundamental

³ See, e.g., "NAACP: Networks Stalled on Diversity," *The Washington Post*, December 19, 2008, at C7 (reporting continuing declines in numbers of minority actors and writers involved in production of prime time television series).

communications policy goal of broadcast diversity, minority broadcast ownership continues to languish; meanwhile, there is not, and never has been, a national broadcast television service expressly devoted to serving the needs of the richly diverse minority communities in the United States. Urban, whose minority founder has conceived a new and flexible use of television broadcast spectrum as a means to help finance a startup venture designed to be for and about minority viewers, is uniquely situated to remedy this failure. Grant of Urban's applications therefore undeniably would serve the public interest.