

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

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PROMETHEUS RADIO PROJECT, *et al.*

Petitioners,

No. 03-3388  
(and consolidated cases)

v.

FEDERAL COMMUNICATIONS COMMISSION,  
and UNITED STATES OF AMERICA,

Respondents.

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**CONFIRMATION OF PARTICIPATION IN ORAL ARGUMENT**

The American Hispanic Owned Radio Association, Civil Rights Forum on Communications Policy, League of United Latin American Citizens, Minority Business Enterprise Legal Defense and Education Fund, Minority Media and Telecommunications Council, National Asian American Telecommunications Association, National Association of Latino Independent Producers, National Coalition of Hispanic Organizations, National Council of La Raza, National Hispanic Media Coalition, National Indian Telecommunications Institute, National Urban League, Native American Public Telecommunications, Inc., PRLDEF-Institute for Puerto Rican Policy, UNITY: Journalists of Color, Inc., and Women’s Institute for Freedom of the Press (collectively “MMTC”), pursuant to this Court’s Order of January 8, 2004, respectfully confirms that it will participate in oral argument.<sup>1/</sup> Its argument, 15 minutes in length as allocated by the Court, will be presented by Nicolaine Lazarre, Esq. She will present these issues:

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<sup>1/</sup> See MMTC Statement Requesting Leave to Participate in Oral Argument, October 28, 2003.

1. Whether, when it repealed Failing Station Solicitation Rule (“FSSR”), the FCC erroneously (1) failed to provide any notice that the FSSR was under review, (2) acted contrary to congressional direction; (3) failed to consider the reason the FSSR was created, (4) acted without any record evidence, and (5) failed to rationally explain its decision.
2. Whether the FCC erroneously (1) failed to meaningfully analyze and rationally review three MMTC proposals aimed at preserving broadcast ownership by disadvantaged and minority businesses, (2) failed to mention the existence of the five other MMTC proposals aimed at preserving broadcast ownership by disadvantaged and minority businesses; and (3) failed to mention the existence of all five MMTC proposals aimed at fostering diversity and competition generally.

Respectfully submitted,

/s/

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January 28, 2004

## CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2004, I caused a copy of the foregoing "Confirmation of Participation in Oral Argument" to be served by e-mail upon the following parties:

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