



PUBLIC NOTICE

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NOTICE CONCERNING *EX PARTE* STATUS OF INFORMATION SUBMITTED TO THE COMMUNICATIONS EQUITY AND DIVERSITY COUNCIL

GN Docket No. 17-208

The Communications Equity and Diversity Council (CEDC or Council), formed in June 2021, is a federal advisory committee tasked with providing recommendations to the Commission on advancing equity in the provision of and access to digital communication services and products for all people of the United States, without discrimination on the basis of race, color, religion, national origin, sex or disability.¹ The Council will also make recommendations to the Commission on how to accelerate the entry of small businesses, including those owned by women and minorities, into the media, digital news and information, and audio and video programming industries, including as owners, suppliers, and employees.² The CEDC is organized under, and operates in accordance with, the provisions of the Federal Advisory Committee Act (FACA).³

Under FACA, the Commission is responsible for oversight of the CEDC, including its working groups.⁴ As a result, FCC staff or Commissioners may participate in or attend meetings or other activities held by the CEDC or its working groups. In light of this, we are announcing that pursuant to section 1.1200(a) of the Commission's rules, 47 C.F.R. § 1.1200(a), presentations to the CEDC, including to its working groups, and at any roundtable discussions sponsored by the CEDC, and presentations between CEDC members (including members of any working groups) and FCC staff or Commissioners, incidental to and in connection with such CEDC meetings or roundtable discussions, will be treated as exempt presentations for *ex parte* purposes.⁵ This exemption covers presentations from CEDC members to FCC staff and Commissioners in other settings only to the extent that the CEDC members are presenting the views of the CEDC or its working groups, as opposed to an individual member's own views or that of a

¹ *FCC Seeks Nominations for Membership on Communications Equity and Diversity Council*, DA 21-795 (rel. July 6, 2021).

² *Id.*; see also <https://www.fcc.gov/communications-equity-and-diversity-council> (Charter 2021).

³ See 5 U.S.C. App. 2.

⁴ See *id.*

⁵ Exempt presentations are not subject to the restrictions and reporting requirements that otherwise would apply to *ex parte* presentations and presentations made during the Sunshine Agenda Period. See 47 CFR § 1.1204 (a) (providing that *exempt ex parte* presentations are not subject to the prohibitions in sections 1.1203 and 1.1208 and the disclosure requirements in section 1.1206). See also 47 CFR §§ 1.1202(a), (b) (definitions of "presentation" and "ex parte presentation").

member's organization. We find that this modification of the *ex parte* rules is in the public interest because it will allow the CEDC to develop and shape its advice and recommendations to the Commission more efficiently and effectively. Furthermore, the treatment is consistent with that afforded to prior advisory committees. The treatment of *ex parte* presentations specified in this notice shall apply to this and future terms of the CEDC unless modified by a subsequent public notice.

We recognize, however, that the CEDC may address issues during its work that are the subject of various pending FCC proceedings. The Commission will not rely in these proceedings on any information submitted to the CEDC, or to any of its working groups, sponsored roundtables, or information conveyed by CEDC members (including members of any subcommittees or working groups) to FCC staff or Commissioners unless that information is first placed in the record of the relevant proceeding, either by the Commission or the party submitting the information.

More information about the CEDC is available at <https://www.fcc.gov/communications-equity-and-diversity-council>. You may also contact Jamila Bess Johnson, the Designated Federal Officer for the Communications Equity and Diversity Council, at (202) 418-2608, or Jamila-Bess.Johnson@fcc.gov; or Rashann Duvall, Co-Deputy Designated Federal Officer, at (202) 418-1438, or Rashann.Duvall@fcc.gov; or Keyla Hernandez-Ulloa, Co-Deputy Designated Federal Officer, at (202) 418-0965 or Keyla.Hernandez-Ulloa@fcc.gov.

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